

**LCB File No. R112-09**

**PROPOSED REGULATION OF THE DIVISION OF FORESTRY  
OF THE STATE DEPARTMENT OF CONSERVATION  
AND NATURAL RESOURCES**

Nevada Division of Forestry intends to repeal the following permanent regulation:

**NAC528.110 Sale of plant materials to private landowners.** The criteria for eligibility for distribution of plant materials to private landowners in Nevada are:

1. The land on which the plants are to be planted must consist of a parcel containing 1 acre or more, or 2 or more contiguous parcels owned by different owners if those parcels total 1 acre or more; and
2. The land must be entirely outside the city limits of any incorporated city of this state, except that in Carson City the land must be outside the designated urban area of the city.

Suggested Revision per authority given NRS 528.105 subsection 3:

**NAC 528.110 is hereby repealed.**

Rationale:

NAC 528.110 was added to the Administrative Code by NDF in 1979. Since that time the State's demographics and local municipal boundaries have changed to such a degree that the vast majority of the State's population served by our nurseries is located in areas precluded by NAC 528.110.

The need for conservation plant materials exists on properties in Nevada regardless of their size or location. In fact, the disturbance associated with activities common in an urban setting can lead to an even greater need for this type of planting. Wildlife habitat enhancement, wind screening, and soil erosion control are all needs that occur, regardless of property size or location. Fire rehabilitation needs are occurring with greater frequency on smaller parcels in incorporated cities as wildfires burn in areas of urban expansion into former wildland areas.

Continued enforcement of NAC 528.110 is preventing the Division of Forestry from fulfilling its mission of protecting and conserving the State's natural resources and creating a void in the availability of native and adapted plant material for use in the State's challenging growing environment. Additionally, enforcement is leading to a significant decline in plant sales, affecting the nurseries' viability.