

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066
Informational Statement
LCB File No. R-152-17

1. A clear and concise explanation of the need for the adopted regulation.

The invasive weeds proposed for inclusion to the state's noxious weeds list can negatively impact agricultural yields and economic returns thereof, increase fire fuel loads, reduce native plant communities, and deteriorate water quality and associated shorelines. Three weeds proposed can hybridize in timothy and wheat fields, two are aquatic weeds one of which is currently being controlled in Lake Tahoe, and the final two are regionally specific to Southern Nevada representing increased fire fuel loads.

2. Description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.

Public response was solicited at each public meeting and accepted in-person, over the phone, or via email.

During the hearing two in person public comments were provided expressing opposition to the additional weeds being added to the list. In recognition of these concerns, an additional review of the proposed weeds was performed at which time one of the eight newly proposed weeds was removed from inclusion.

Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulation were sent by U.S. mail and email to persons who were known to have an interest in the subject of Pesticide Registration Fees, as well as any persons who had specifically requested such notice. These documents were also made available at the website of the Nevada Department of Agriculture (NDA) www.agri.nv.gov, mailed to all county libraries in Nevada and posted at the following locations:

Nevada Department of Agriculture
405 South 21st Street
Sparks, NV 89431-5566

Nevada Department of Agriculture
2150 Frazer Avenue
Sparks, NV 89431

Nevada Department of Agriculture
2300 E. St Louis Avenue
Las Vegas, NV 89104-4314

Nevada Department of Agriculture
4780 E. Idaho Street
Elko, NV 89801-4672

Interested persons may obtain a copy of the summary by contacting:

Nevada Department of Agriculture
Attn: Megan Zich
775-353-3670
405 South 21st Street
Sparks, NV 89431

- 3. The number of persons who:**
- (a) Attended each hearing: 19**
 - (b) Testified at each hearing: 2**
 - (c) Submitted written comments: 0**

Workshop date: December 14, 2017
Number in attendance: 23
Number testifying: 3
Written statements submitted: 2

Hearing date: Friday, March 23, 2018
Number in attendance: 19
Number testifying: 2
Written statements submitted: 0

- 4. For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing:**
- (a) Name;**
 - (b) Telephone number;**
 - (c) Business address;**
 - (d) Business telephone number;**
 - (e) Electronic mail address; and**
 - (f) Name of entity or organization represented.**

1. Jennifer Ott
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2. Megan Zich
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28. Terri Barton
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29. Matthew Patrick
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30. Andi Porreca
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31. Wayne Juntunen
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32. Alana Wild
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33. Collen Wallace Barnum
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35. Jeff Beqaich
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36. Mike Hayes
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5. A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary.

In addition to posting the workshop and hearing dates at required locations, copies of the proposed revisions were emailed to Conservation Districts, Cooperative Weed Management Associations, UNCE extension educators, and weed management professionals within the public and private sectors. Presentations detailing the changes were also provided at multiple pesticide education seminars. Following such presentations contact information was provided soliciting written comments. Details of the written comments are listed below:

- One written comment was received requesting Russian Knapweed remain in Category “B”. However, following a secondary review it was confirmed the weed had been recorded in every Nevada county justifying its reclassification to Category “C”.
The person sending the comment was notified.
- One written comment was received requesting the inclusion of Revenna grass *Saccharum Ravenna* to the state’s noxious weeds list. However, because the grass is sold in nurseries, referred to as Hardy Pampas Grass, generating an economic return and not found widely naturalizing its inclusion was rejected.

Interested persons may obtain a copy of the summary by contacting:

Nevada Department of Agriculture
Attn: Jennifer Ott, Administrator, Plant Industry Division
405 South 21st Street
Sparks, NV 89431

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

Following the hearing, changes were made to the proposed list specifically removing one of the newly suggested species. This was done in response to verbal comment opposing its inclusion in the area where it was most likely to enter. The opposition expressed concern that their resources were ill equipped to handle the possible increased workload. The additional proposed weeds were left on the list meeting the inclusion criteria:

- They are listed as noxious in bordering states
- GPS data shows possible encroachment
- Not currently widespread to the point control is not possible
- Are climatically suited for the region
- Not sold in plant nurseries hereby impacting industry economics

- 7. The estimated immediate and long-term economic effect of the regulation on the business which it is to regulate and on the public, whether beneficial or adverse.**
(a) Estimated economic effect on the businesses which they are to regulate.

Be that none of the weeds proposed for inclusion are sold in plant nurseries that industry would not be economically impacted. It may conversely see an economic improvement stemmed from increased weed management tools and herbicide sales. Such increased sales may also be witnessed at farm supply stores and pest control companies in both urban and rural communities. The negative economic impact would be the direct cost of implementing weed control activities on properties where such weeds are harboring. This would include labor, equipment, and possible chemical costs. The expected costs would be determined by the species of weeds being control, size of infestation, and growth stage.

- (b) Estimated economic effect on the public which they are to regulate.**

An additional economic cost would be expected for property owners whose property is infested with the proposed noxious weed(s). However, due to limited or non-existent infestation levels of the proposed weeds across the state immediate economic costs in controlling them is expected to be marginal. If however, the weeds are allowed to continue growing in infested areas the economic cost in controlling them is expected to increase.

- 8. The estimated cost to the agency for enforcement of the proposed regulation:**

An additional cost would be incurred in developing and distributing educational materials and providing presentations educating the public of the new weeds. An additional economic cost may be observed in labor hours for season staff while conducting weed surveys in efforts to monitor infestation levels. However, because such weed surveys are conducted simultaneously for all listed noxious weeds the increase would be marginal covered by the cost of current species.

- 9. A description of any regulations of other State or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

The federal government, regulated by USDA, has a federal noxious weeds list. Some of the species listed federally are also listed on the state's noxious weeds list. However, regulations imposed on the federal list are exclusionary tactics not requiring landowners who have them to implement control measures as does the state list.

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

The proposed action adds seven new weed species to the states noxious weeds list, so by theory will become more stringent. However, these seven species are not currently present or are only present in small pockets where eradication can be achieved. If these species are not added to the list and an infestation is allowed to develop a more immediate stringent action is likely.

11. 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 additional fee will be assessed

I certify that to the best of my knowledge or belief a concerted effort was made to determine the impact of this proposed regulation on small businesses and that the information contained in this statement is accurate.

Jim Barbee
Director
Nevada Department of Agriculture