

LCB File No. R225-97

NOTICE OF WORKSHOP TO SOLICIT COMMENTS ON PROPOSED REGULATION

The Nevada Division of Agriculture, 350 Capitol Hill Ave., Reno, NV, (702) 688-1180 is proposing the amendment of regulations pertaining to chapters 554 and 555 of Nevada Administrative Code. A workshop has been set for January 16, 1998, 9:00 a.m. at the Nevada Division of Agriculture, 350 Capitol Hill Ave., Reno, NV. The purpose of the workshop is to solicit comments from interested persons on the following genera topics that may be addressed in the proposed regulations:

NAC 554.110. Exterior Quarantine against Dutch Elm Disease

A copy of all materials relating to the proposal may be obtained at the workshop or by contacting Nevada Division of Agriculture, 350 Capitol Hill Ave., Reno, NV, (702) 688-1180. A reasonable fee for copying may be charged. This Notice of Workshop to Solicit Comments on Proposed Regulation has been sent to all persons on the agency's mailing list for administrative regulations and posted at the following locations:

Nevada Division of Agriculture
350 Capitol Hill Avenue
Reno, NV 89502

Nevada Division of Agriculture
2150 Frazer Street
Sparks, NV 89431

Nevada Division of Agriculture
1550 S. Wells Ave.
Reno, NV 89502

Nevada Division of Agriculture
1200 E. Winnemucca Blvd.
Winnemucca, NV 89445

Nevada Division of Agriculture
Eyer H. Boies Building
1351 Elm St.
Elko, NV 89801

Nevada Division of Agriculture
2300 McLeod
Las Vegas, NV 89104

Date: December 23, 1997

R225-97

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the adoption of Regulations of the Nevada Division of Agriculture

The Nevada Division of Agriculture will hold a public hearing at 9:00 a.m. on January 23, 1998 at 350 Capitol Hill Ave., Reno, NV. The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations that pertain to chapter 554.110 of the Nevada Administrative Code pertaining to Exterior Quarantine against Dutch Elm Disease. The following information is provided pursuant to the requirements of NRS 233B.060:

Need for and purpose of the proposed regulation or amendment:

Dutch elm disease and phloem necrosis virus may cause trees to die within a few weeks. All elms and related species are susceptible to these diseases. No Dutch elm disease or phloem necrosis virus has been found in the state for the past two years. Three new states have become infected with these diseases. In order to protect trees in Nevada from these diseases, these new states must be added to the list of infected areas.

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

- a. Adverse effects:
There are no adverse effects. Trees from the infected areas could not be shipped to Nevada. There are other areas of the United States where these trees could be marketed.
- b. Beneficial effects:
There are no beneficial effects.
- c. Immediate and long term economic effects:
The adverse and beneficial effects are the same for immediate and long term.

Economic effect of these proposed amendments on the public:

- a. Adverse effects:
There are no adverse effects on the public.
- b. Beneficial effects:
Elms and related trees planted in yards and public grounds will not be exposed to these diseases and will live a normal useful life.
- c. Immediate and long term economic effects:

The adverse and beneficial effects are the same for immediate and long term.

Economic cost to the agency for enforcement of the proposed amendments:

There are no additional costs to the agency for enforcement of these amendments.

Description of any regulations of other state, local or federal governmental agencies which the proposed amendments overlap or duplicate:

There are no other state, local or federal governmental regulations that the proposed amendments overlap or duplicate.

Fees: These amendments do not create any new fees or increase any existing fees.

Persons wishing to comment upon the proposed action of the Nevada Division of Agriculture may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to the Nevada Division of Agriculture, 350 Capitol Hill Ave., Reno, NV. Written submissions must be received by the Nevada Division of Agriculture, 350 Capitol Hill Ave., Reno, NV on or before January 22, 1998. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada Division of Agriculture, 350 Capitol Hill Ave., Reno, NV may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be amended will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be amended will be available at the Nevada Division of Agriculture, 350 Capitol Hill Avenue, Reno, NV 89502; the Nevada Division of Agriculture, 1550 S. Wells Ave., Reno, NV 89502; the Nevada Division of Agriculture, Eyer H. Boies Building, 1351 Elm St., Elko, NV 895801; the Nevada Division of Agriculture, 2150 Frazer Street, Sparks, NV 89431; the Nevada Division of Agriculture, 1200 E. Winnemucca Blvd., Winnemucca, NV 89445; the Nevada Division of Agriculture, 2300 McLeod, Las Vegas, NV 89104; and in all counties in which an office of the agency is not maintained, at the mail public library, for inspection and copying by members of the public during business hours. This notice and text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653 and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for or against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.

The notice of hearing has been posted at the following locations:

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Reno, NV 89502

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Sparks, NV 89431

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Eyer H. Boies Building
1351 Elm St.
Elko, NV 89801

Nevada Division 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, please call Robert Gronowski at the Nevada Division of Agriculture, 688-180, as soon as possible.

Date: December 23, 1997

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Nevada Division of Agriculture
350 Capitol Hill Ave.
Reno, NV 89502

**PROPOSED AMENDMENT TO NAC 554.110,
EXTERIOR QUARANTINE AGAINST DUTCH ELM
DISEASE AND PHLOEM NECROSIS VIRUS**

Authority: NRS 554.020

NAC 554.110 is hereby amended to read as follows:

554.005 Definitions. As used in this chapter, unless the context otherwise requires:

1. "Administrator" means the administrator of the division.
2. "Division" means the division of agriculture of the department of business and industry
(Supplied in codification)

554.110 Establishment of quarantine. The state quarantine officer hereby establishes a quarantine upon certain commodities which have originated in infected areas and may be carriers of Dutch elm disease (*Ceratocystis ulmi*) or phloem necrosis virus (*Morsus ulmi*).

(Added to NAC by Dep't of Agriculture, eff. 12-3-80)

554.120 Infected areas. The following areas are infested with:

1. Both Dutch elm disease and phloem necrosis virus: Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Massachusetts, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Tennessee, Virginia and West Virginia.

2. Only Dutch elm disease:

(a) In California, the counties of:

- (1) Contra Costa;
- (2) Marin;
- (3) Napa;
- (4) San Francisco;
- (5) San Mateo;
- (6) Santa Clara;
- (7) Solano; and
- (8) Sonoma; and

(b) Colorado, Connecticut, Delaware, Idaho, Maine, Maryland, Michigan, Minnesota, Montana, New Hampshire, North Dakota, Oregon, Rhode Island, South Carolina, South Dakota, Texas, Vermont, Washington, Wisconsin, Wyoming and the District of Columbia.

(Added to NAC by Dep't of Agriculture, eff. 12-3-80; A by St. Quarantine Officer, 3-17-86)

NOTE: For any clarification of these amendments, please contact Robert Gronowski at (702) 688-1182, ext. 239.