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## DEPARTMENT OF AGRICULTURE

405 South 21<sup>st</sup> Street  
Sparks, Nevada 89431

# MEMORANDUM

TO: Nevada Department of Agriculture Offices  
State Capitol Building  
State Library and Archives  
Dennis Belcourt – AG's Office

FROM: Lynn Hettrick, Division Administrator – 775-353-3729  
[Lhettrick@agri.nv.gov](mailto:Lhettrick@agri.nv.gov) Fax Number 775-353-3661

SUBJECT: Posting of Agenda for Workshop Scheduled for: Thursday, December 14, 2017 at 9:00AM

DATE: November 7, 2017

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I have attached a copy of the agenda for the Nevada Department of Agriculture Workshop that will be held on; Thursday, December 14, 2017 at 9:00AM.

Please post the agenda for NAC 555 before 9:00am on November 25, 2017, per *open meeting law* and return this memo to my attention, signed with the date of posting, as I need this for our files.

We appreciate your assistance in this posting.

Thank you.

Distribution: State Capitol Building  
State Library and Archives  
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Consumer Equitability – Department of Agriculture

OFFICE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

DATE & TIME OF POST: \_\_\_\_\_

## MEETING NOTICE AND AGENDA

Public Hearing  
Notice of Workshop

### LOCATION:

Reno: 4955 Energy Way  
Phone: 775-784-4848

### *Video-conference to:*

Carson City: 2621 Northgate Lane, suite 12  
Elko: 701 Walnut Street  
Ely: 995 Campton  
Eureka: 701 South Main Street  
Fallon: 111 Scheckler Road  
Gardnerville: 1325 Waterloo Lane  
Las Vegas: 8050 Paradise Road, Suite 100  
Logandale: 1897 N. Moapa Valley Blvd.  
Lovelock: 810 6th Street  
Reno: 4955 Energy Way  
Winnemucca: 1085 Fairgrounds Road  
Yerington: 504 South Main Street

DATE AND TIME: Thursday, December 14, 2017 at 9:00AM

Public comment will be taken on the intent to adopt a regulation. The purpose is to solicit public comments from interested persons on the following proposed regulation: NAC 555; a regulation relating the Nevada Administrative Code 555 in an effort to revise the list of noxious weeds and providing other matters properly relating thereto.

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 notify The Dept. of Agriculture in writing at 405 S. 21<sup>st</sup> Street, Sparks, NV 89431 or contact Jerri Conrad at 775-353-3619.

Copies of both the State of Nevada Board of Agriculture Agenda with supporting documentation and Open Meeting Minutes are available, at no charge, for inspection at the Dept. of Agriculture 405 S. 21<sup>st</sup> Street, Sparks, NV, 89431 or Dept. of Agriculture website at <http://agri.nv.gov/>. For additional information contact Jerri Conrad at 775-353-3619.

Notice of this meeting was posted on or before 9:00 a.m. on the third working day before the meeting at the following locations: Nevada Department of Agriculture, 405 S. 21<sup>st</sup> Street, Sparks, NV 89431, Nevada Department of Agriculture, 2150 Frazer Ave., Sparks, NV 89431, Nevada Department of Agriculture, 4780 E. Idaho Street, Elko, NV 89801, Nevada Department of Agriculture, 2300 E. St Louis Avenue, Las Vegas, NV 89104, State of Nevada Capital Building, Carson City NV, State Library and Archives, Carson City

# PROPOSED REGULATION OF THE NEVADA DEPARTMENT OF AGRICULTURE

LCB File No.           

DIVISION OF PLANT INDUSTRY

## NOTICE OF WORKSHOP TO SOLICIT COMMENTS ON PROPOSED REGULATION

The Nevada Department of Agriculture, 405 South 21<sup>st</sup> Street, Sparks, Nevada, 89431, is proposing the Amendment of regulations pertaining to chapter NAC 555, of Nevada Administrative Code. A workshop has been set for; Thursday, December 14, 2017 at 9:00AM.

The workshop will be held at various University of Nevada Cooperative Extension locations.

### Workshop Locations:

Carson City: 2621 Northgate Lane, suite 12  
Elko: 701 Walnut Street  
Ely: 995 Campton  
Eureka: 701 South Main Street  
Fallon: 111 Scheckler Road  
Gardnerville: 1325 Waterloo Lane  
Las Vegas: 8050 Paradise Road, Suite 100  
Logandale: 1897 N. Moapa Valley Blvd.  
Lovelock: 810 6th Street  
Reno: 4955 Energy Way  
Winnemucca: 1085 Fairgrounds Road  
Yerington: 504 South Main Street

The purpose of the workshop is to solicit comments from interested persons on the following general topics that may be addressed in the proposed regulations:

The Nevada Administrative Code 555 in an effort to revise the list of noxious weeds.

A copy of all materials relating to the proposal may be obtained at the workshop or by contacting:

Megan Zich  
Plant Industry Division  
Nevada Department of Agriculture  
405 South 21<sup>st</sup> Street  
Sparks, NV 89431  
775-353-3670  
[Mzich@agri.nv.gov](mailto:Mzich@agri.nv.gov)

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 Department of Agriculture  
405 South 21<sup>st</sup> Street  
Sparks, NV 89431

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

Nevada Department of Agriculture  
4780 E. Idaho Street  
Elko, NV 89445

State Capitol Building  
Nevada State Library and Archives, 100 N. Stewart Street, Carson City, NV  
Dennis Belcourt – AG's Office  
LCB website: [www.leg.state.nv.us](http://www.leg.state.nv.us)  
Nevada Public Notice website: [www.notice.nv.gov](http://www.notice.nv.gov)  
Nevada Department of Agriculture Website: [www.agri.nv.gov](http://www.agri.nv.gov)



**NAC 555.010 Designation and categorization of noxious weeds.**

1. The following weeds are designated noxious weeds:

(a) Category A Weeds:

- |                                       |   |
|---------------------------------------|---|
| (1) African rue.                      | ( <i>Peganum harmala</i> )  |
| (2) Austrian fieldcress.              | ( <i>Rorippa austriaca</i> )  |
| (3) Austrian peaweed.                 | ( <i>Sphaerophysa salsula</i> )   |
| (4) Barbed goatgrass                  | ( <i>Aegilops triuncialis</i> )   |
| <del>(B) Black henbane.</del>         | <del>(<i>Hysoeyamus niger</i>)</del>                                      |
| (5) Buffelgrass                       | ( <i>Pennisetum ciliare</i> )   |
| (6) Camelthorn.                       | ( <i>Alhagi pseudalhagi</i> )   |
| (7) Common crupina.                   | ( <i>Crupina vulgaris</i> )   |
| (8) Curly Leaf Pondweed               | ( <i>Potamogeton crispus</i> )  |
| <del>(B) Dalmatian toadflax.</del>    | <del>(<i>Linaria dalmatica</i>)</del>                                     |
| (9) Dyer's woad.                      | ( <i>Isatis tinctoria</i> )   |
| (10) Eurasian water-milfoil.          | ( <i>Myriophyllum spicatum</i> )  |
| (11) Flowering Rush                   | ( <i>Butomus umbellatus</i> )   |
| <del>(B) Giant reed.</del>            | <del>(<i>Arundo donax</i>)</del>  |
| (12) Giant salvinia.                  | ( <i>Salvinia molesta</i> )   |
| (13) Goats rue.                       | ( <i>Galega officinalis</i> )   |
| (14) Green fountain grass.            | ( <i>Pennisetum setaceum</i> )  |
| (15) Houndstongue.                    | ( <i>Cynoglossum officinale</i> )   |
| (16) Hydrilla.                        | ( <i>Hydrilla verticillata</i> )  |
| (17) Iberian starthistle.             | ( <i>Centaurea iberica</i> )  |
| (18) Jointed Goatgrass                | ( <i>Aegilops cylindrical</i> )   |
| (19) Klamath weed.                    | ( <i>Hypericum perforatum</i> )   |
| (20) Malta starthistle.               | ( <i>Centaurea melitensis</i> )   |
| <del>(B) Mayweed chamomile.</del>     | <del>(<i>Anthemis cotula</i>)</del>                                       |
| (21) Mediterranean sage.              | ( <i>Salvia aethiopsis</i> )  |
| (22) Purple loosestrife.              | ( <i>Lythrum salicaria</i> , <i>Lythrum virgatum</i> and their cultivars) |
| (23) Purple starthistle.              | ( <i>Centaurea calcitrapa</i> )   |
| (24) Rush skeletonweed                | ( <i>Chondrilla juncea</i> )  |
| <del>(B) Perennial Sow thistle.</del> | <del>(<i>Sonchus arvensis</i>)</del>                                      |
| <del>(B) Spotted knapweed.</del>      | <del>(<i>Centaurea maculosa</i>)</del>                                    |
| (25) Stinkwort                        | ( <i>Dittrichia graveolens</i> )  |
| (26) Squarrose knapweed.              | ( <i>Centaurea virgata</i> )  |
| (27) Sulfur cinquefoil.               | ( <i>Potentilla recta</i> )   |
| (28) Syrian bean caper.               | ( <i>Zygophyllum fabago</i> )   |
| (29) Ventenata                        | ( <i>Ventenata dubia</i> )  |
| (30) Yellow starthistle.              | ( <i>Centaurea solstitialis</i> )   |
| (31) Yellow toadflax.                 | ( <i>Linaria vulgaris</i> )   |

(b) Category B Weeds:

- |                   |                             |
|-------------------|-----------------------------|
| (1) Black henbane | ( <i>Hysocyamus niger</i> ) |
|-------------------|-----------------------------|

- |                                  |   |
|----------------------------------|---|
| (2) Carolina horse nettle        | ( <i>Solanum carolinense</i> )          |
| (3) Dalmation toadflax           | ( <i>Linaria dalmatica</i> )            |
| (4) Diffuse knapweed             | ( <i>Centaurea duffusa</i> )            |
| (4) Giant Reed                   | ( <i>Arundo donax</i> )                 |
| (5) Leafy spurge.                | ( <i>Euphorbia esula</i> )              |
| (6) Medusahead.                  | ( <i>Taeniatherum caput-medusae</i> )   |
| <del>(C) Musk thistle.</del>     | <del>(<i>Carduus nutans</i>)</del>      |
| <del>(C) Russian knapweed.</del> | <del>(<i>Acroptilon repens</i>)</del>   |
| (7) Mayweed chamomile            | ( <i>Anthemis cotula</i> )              |
| (8) Perennial sowthistle         | ( <i>Sonchus arvensis</i> )             |
| (9) Sahara mustard.              | ( <i>Brassica tournefortii</i> )        |
| <del>(C) Scotch thistle.</del>   | <del>(<i>Onopordum acanthium</i>)</del> |
| (10) Spotted knapweed            | ( <i>Centaurea maculosa</i> )           |
| (11) White horse nettle.         | ( <i>Solanum elaeagnifolium</i> )       |

(c) Category C Weeds:

- |                            |                                |
|----------------------------|--------------------------------|
| (1) Canada thistle.        | ( <i>Cirsium arvense</i> )     |
| (2) Hoary cress.           | ( <i>Cardaria draba</i> )      |
| (3) Johnson grass.         | ( <i>Sorghum halepense</i> )   |
| (4) Musk thistle           | ( <i>Carduus nutans</i> )      |
| (5) Perennial pepperweed.  | ( <i>Lepidium latifolium</i> ) |
| (6) Poison Hemlock.        | ( <i>Conium maculatum</i> )    |
| (7) Puncture vine.         | ( <i>Tribulus terrestris</i> ) |
| (8) Russian knapweed       | ( <i>Acroptilon repens</i> )   |
| (9) Salt cedar (tamarisk). | ( <i>Tamarix</i> spp.)         |
| (10) Scotch thistle        | ( <i>Onopordum acanthium</i> ) |
| (11) Water Hemlock.        | ( <i>Cicuta maculata</i> )     |

2. Category A weeds are weeds that are generally not found or that are limited in distribution throughout the State. Such weeds are subject to:

- (a) Active exclusion from the State and active eradication wherever found.
- (b) Active eradication from the premises of a dealer of nursery stock.

3. Category B weeds are weeds that are generally established in scattered populations in some counties of the State. Such weeds are subject to:

- (a) Active exclusion where possible.
- (b) Active eradication from the premises of a dealer of nursery stock.

4. Category C weeds are weeds that are generally established and generally widespread in many counties of the State. Such weeds are subject to active eradication from the premises of a dealer of nursery stock.

SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY

NAC 555.010

(Revised LCB File#           )

**1. A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.**

- NDA's noxious weeds coordinator established a noxious weeds review committee comprised of 24 members. The members represented different geographical regions around the state covering both rural and urban communities.

NDA office Locations:

Department of Agriculture  
405 S. 21st Street  
Sparks, NV 89431

Department of Agriculture  
2300 E. Saint Louis Ave.  
Las Vegas, NV 89104

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

**2. The manner in which the analyses was conducted.**

- NDA's noxious weeds coordinator established a noxious weeds review committee comprised of 24 educators and weed management professionals from around the state. Once established a survey was sent to the committee members to determine first, what species should be moved within the A, B, and C categories determined by density populations and distribution around the state, and second to determine if any new species of weeds should be added to the list. Upon completion of the survey, follow-up emails were sent to the group soliciting response and/or individual meetings were conducted.

**3. The estimated economic effect of the proposed regulation on the small businesses it is to regulate, including, without limitation.**

- An economic positive is expected for producers of agricultural products noting an increase in yield through weed control efforts. An economic positive is expected for the hunting and fishing industry with increased habitat preservation. An economic positive is expected for property owners noting a decrease in values for properties infested with noxious weeds.
- An economic negative is expected for the initial cost of weed control.

**4. A description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.**

- Weed control laws are already set in statute per NAC 555.005. In the process of revising the list certain weeds were considered for removal. However, no one species was



selected unanimously for removal. Such weeds were instead moved or left in category "C".

**5. The estimated cost to the agency for enforcement of the proposed regulation.**

- A slight increase in man-hours and associated cost is expected while developing outreach materials and educating the public on the seven new additional weeds. However, be that three of the seven new weeds are not currently present in the state no additional costs associated with enforcement are expected.

**6. If the proposed 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 increase is expected for the proposed action.

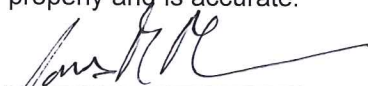
**7. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.**

- 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.

**8. The reasons for the conclusion of the agency regarding the impact of a regulation on small businesses.**

- The proposed regulation change to the state's noxious weeds list will protect agricultural yields, wildlife habitat, native plant species, and property values.

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 was prepared properly and is accurate.



James R. Barbee

Director

Nevada Department of Agriculture