

BRIAN SANDOVAL  
Governor

STATE OF NEVADA

JAMES R. BARBEE  
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## MEMORANDUM

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

FROM: Robert Little, Plant Industry Division Interim Administrator – (775) 353-3729  
rlittle@agri.nv.gov Fax Number (775) 353-3661

SUBJECT: Posting of Agenda for Hearing on Notice of Intent to Act Upon a Regulation Scheduled for Monday,  
November 23, 2015 at 9:00 am.

DATE: October 15, 2015

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I have attached a copy of the agenda for the Nevada Department of Agriculture Hearing for Notice of Intent to Act Upon a Regulation that will be held on Monday, November 23, 2015 at 9:00 am.

Please post the agenda before 9:00 am on Wednesday, November 18, 2015, 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  
Dennis Belcourt – AG's Office  
Sparks Office – Nevada Department of Agriculture  
Las Vegas Office – Nevada Department of Agriculture  
Elko Office – Nevada Department of Agriculture  
Consumer Equitability – Department of Agriculture

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

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

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

## MEETING NOTICE AND AGENDA

Public Hearing

Notice of Intent to Act Upon a Regulation

LOCATION: Nevada Department of Agriculture  
405 S. 21<sup>st</sup> Street  
Sparks, NV 89431  
Phone: 775-353-3601

*Video-conference to:* Nevada Department of Agriculture  
2300 McLeod Street  
Las Vegas, NV 89104  
Phone: 702-668-4590

Nevada Department of Agriculture  
4780 E. Idaho Street  
Elko, NV 89801  
Phone: 775-738-8076

DATE AND TIME: Monday, November 23, 2015 at 9:00 am

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 to formally adopt the North American Invasive Species Management Association guidelines for our Weed Free Certification program; 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 [www.agri.state.nv.us](http://www.agri.state.nv.us). 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 McLeod Street, 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. R083-15

DIVISION OF PLANT INDUSTRY

## NOTICE OF INTENT TO ACT UPON A REGULATION And NOTICE OF HEARING FOR THE ADOPTION OF REGULATIONS

The Nevada Department of Agriculture will hold a public hearing on Monday, November 23, 2015 at 9:00 am at Agriculture Headquarters, 405 South 21<sup>st</sup> Street, Sparks, NV 89431; Phone: (775) 353-3601. The purpose of the hearing is to receive comments from all interested persons regarding the Amendment of regulations that pertain to chapter 555 of the Nevada Administrative Code. The proposal has been designated as File No. R083-15 by the Nevada Legislative Counsel Bureau.

The following information is provided pursuant to the requirements of NRS 233B.0603:

The purpose is to solicit public comments from interested persons on the following proposed regulation: NAC 555; a *regulation relating to formally adopt the North American Invasive Species Management Association guidelines for our Weed Free Certification program; and providing other matters properly relating thereto.*

1. The need for and the purpose of the proposed regulation or amendment.
  - The regulation formally adopts the rules and fees under which we already operate this program. There is no impact on small businesses.
2. Either the terms or the substance of the regulations to be adopted, amended or repealed, or a description of the subjects and issues involved.
  - The proposed regulations formally adopt the North American Invasive Species Management Association guidelines which are already being used in our Weed Free Certification program
3. The estimated economic effect of the regulation on the business which it is to regulate and on the public.
  - Does not apply
4. The estimated cost to the agency for enforcement of the proposed regulation.
  - There will be no increase in expenditures
5. A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.
  - Does not apply
6. If the regulation is required pursuant to federal law, a citation and description of the federal law.
  - Does not apply
7. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.
  - Does not apply
8. Whether the proposed regulation establishes a new fee or increases an existing fee.
  - There will be no increase in fees

A concerted effort was made to determine the impact of the proposed regulation on small businesses. Division Administrative staff determined that this regulation will not have an effect on small businesses.

The LCB approved revision can be found on the Nevada Department of Agriculture website at [www.agri.nv.gov](http://www.agri.nv.gov).

Persons wishing to comment upon the proposed action of the Nevada Department of Agriculture may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to the address below.

**Nevada Department of Agriculture**  
**405 S. 21<sup>st</sup> Street**  
**Sparks, NV 89431**  
**ATTN: Robert Little**  
**(775) 353-3729**  
**rlittle@agri.nv.gov**

Written submissions must be received by the Nevada Department of Agriculture on or before 5:00 pm on November 18, 2015. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada Department of Agriculture 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:

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

Nevada Department of Agriculture  
2300 McLeod  
Las Vegas, NV 89104

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

And in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the 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.

NRS 233B.064(2) provides: 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 and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.

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

**The Nevada State Library in Carson City, and all Nevada county libraries. The Department of Agriculture offices in Sparks, Las Vegas or Elko during the hours of 8:00 a.m. until 5:00 p.m. Monday through Friday.**

Clark County Library, 833 Las Vegas Boulevard North, Las Vegas, NV 89101  
Douglas County Library, 1625 Library Lane, Minden, NV 89423  
Elko County Library, 720 Court Street, Elko, NV 89801  
Esmeralda County Library, Corner of Crook & 4<sup>th</sup> Streets, Goldfield, NV 89013  
Eureka Branch Library, 10190 Monroe Street, P.O. Box 293, Eureka, NV 89316  
Humboldt County Library, 85 East 5<sup>th</sup> Street, Winnemucca, NV 89445  
Lander County Library, 625 South Broad Street, Battle Mountain, NV 89820  
Lincoln County Library, 63 Main Street, Pioche, NV 89043  
Lyon County Library, 20 Nevin Way, Yerington, NV 89447  
Mineral County Public Library, 110 1<sup>st</sup> Street, Hawthorne, NV 89415  
Pershing County Library, 1125 Central Avenue, Lovelock, NV 89419  
Storey County Public Library, 95 South R Street, Virginia City, NV 89440  
Tonopah Public Library, 167 Central Street, Tonopah, NV 89049  
Washoe County Library, 301 South Center Street, Reno, NV 89501  
White Pine County Library, 950 Campton Street, Ely, NV 89301  
Nevada State Legislature Website: [www.leg.state.nv.us](http://www.leg.state.nv.us)

STATE OF NEVADA  
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING  
401 S. CARSON STREET  
CARSON CITY, NEVADA 89701-4747  
Fax No.: (775) 684-6600

LEGISLATIVE COMMISSION (775) 684-6800  
MICHAEL ROBERSON, *Senator, Chairman*  
Rick Combs, *Director, Secretary*

INTERIM FINANCE COMMITTEE (775) 684-6821  
PAUL ANDERSON, *Assemblyman, Chairman*  
Cindy Jones, *Fiscal Analyst*  
Mark Krmpotic, *Fiscal Analyst*



RICK COMBS, *Director*  
(775) 684-6800

BRENDA J. ERDOES, *Legislative Counsel* (775) 684-6830  
PAUL V. TOWNSEND, *Legislative Auditor* (775) 684-6815  
SUSAN E. SCHOLLEY, *Research Director* (775) 684-6825

October 8, 2015

Lynn Hettrick  
Deputy Director  
Nevada Department of Agriculture  
405 South 21st Street  
Sparks, Nevada 89431

Re: LCB File No. R083-15 and R084-15

Dear Mr. Hettrick:

The above proposed regulations of the State Department of Agriculture have been examined pursuant to NRS 233B.063 and are returned in revised form.

We invite you to discuss with us any questions which you may have concerning the review. Please make reference to our file numbers in all further correspondence relating to each regulation.

Very truly yours,

A handwritten signature in black ink, appearing to read "Darcy L. Johnson".

Darcy L. Johnson  
Deputy Legislative Counsel

Brenda J. Erdoes  
Legislative Counsel

DLJ/slj  
Enclosure

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

**LCB File No. R083-15**

October 8, 2015

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

AUTHORITY: §1, NRS 555.010, as amended by section 23 of Assembly Bill No. 77, chapter 526, Statutes of Nevada, 2015, at page 3586.

A REGULATION relating to noxious weeds; establishing a program to certify certain agricultural products as free from noxious weeds; adopting by reference certain standards for weed free forage and gravel; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law authorizes the Director of the State Department of Agriculture to establish and administer a program to certify agricultural products as being free from noxious weeds. (NRS 555.010, as amended by section 23 of Assembly Bill No. 77, chapter 526, Statutes of Nevada 2015, at page 3586) This regulation establishes the Weed Free Certification Program and sets forth the application requirement for a producer of agricultural products who seeks to have those agricultural products be certified as free from noxious weeds as part of the Program. This regulation also adopts by reference the North American Weed Free Forage Minimum Certification Standards and the standards and inspection forms for the Weed Free Gravel Program issued by the North American Invasive Species Management Association for the purposes of the Program.

**Section 1.** Chapter 555 of NAC is hereby amended by adding thereto a new section to read as follows:

*1. A producer of agricultural products who wishes to have his or her agricultural products certified as being free from noxious weeds may apply to the Department to participate*

*in the Weed Free Certification Program which is hereby established pursuant to NRS 555.010, as amended by section 23 of Assembly Bill No. 77, chapter 526, Statutes of Nevada 2015, at page 3586. To participate in the Weed Free Certification Program, the producer must submit, in a form approved by the Department, evidence satisfactory to the Department that the producer meets the standards adopted by reference in subsection 2.*

*2. The Director hereby adopts by reference the North American Weed Free Forage Minimum Certification Standards, as revised on March 31, 2015, and the Gravel Pit Inspection Standards and Gravel Pit Inspection Form for the Weed Free Gravel Program issued by the North American Invasive Species Management Association or its successor organization, and any subsequent revisions which have been approved by the Director for use in this State. Each new revision shall be deemed approved by the Director unless the Director disapproves the revision within 60 days after the date of publication by the North American Invasive Species Management Association or its successor organization. The Director will review each revision issued to ensure its suitability for use in this State. The most recent revisions that have been approved by the Director will be available for inspection at the main office of the Department or may be obtained free of charge from the Internet website of the North American Invasive Species Management Association at <http://www.naisma.org/weed-free-forage> and <http://www.naisma.org/weed-free-gravel>.*

**SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY**

**NRS 233B.0608**

**Revised LCB File # R083-15**

**NAC 555**

**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.**

- The proposed regulations formally adopt the North American Invasive Species Management Association guidelines which are already being used in our Weed Free Certification program. The regulations were available on the website of the Department of Agriculture, [www.agri.nv.gov](http://www.agri.nv.gov) and posted at the following locations:

Department of Agriculture

405 S. 21<sup>st</sup> Street

Sparks, NV 89431

Department of Agriculture

2300 McLeod Street

Las Vegas, NV 89104

Department of Agriculture

4780 E. Idaho Street

Elko, NV 89801

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

- No analyses was conducted because these regulations do not have any impact on small businesses.

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

- Does not apply.

**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.**

- Does not apply.

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

- There will be no increase in expenditures.

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.**
  - There will be no increase in fees.
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.**
  - Does not apply.
8. **The reasons for the conclusion of the agency regarding the impact of a regulation on small businesses.**
  - There is no impact on small businesses. The regulation formally adopts the rules and fees under which we already operate this program.

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.

A handwritten signature in black ink, appearing to read "James R. Barbee", is written over a horizontal dashed line.

James R. Barbee

Director

Nevada Department of Agriculture