

BRIAN SANDOVAL
Governor

STATE OF NEVADA

JAMES R. BARBEE
Director

Las Vegas Office:
2300 E. St Louis Avenue
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Elko NV 89801-4672
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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, Division 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,
October 17, 2016, at 9:30am

DATE: September 14, 2016

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, October 17, 2016, at 9:30am.

Please post the agenda before 9:00am, on September 16, 2016, 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. 21st Street
Sparks, NV 89431
Phone: 775-353-3601

Video-conference to: Nevada Department of Agriculture
2300 E. St Louis Avenue
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, October 17, 2016, at 9:30am

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 561; *a regulation relating to Aquaculture; 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. 21st 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. 21st Street, Sparks, NV, 89431 or Dept. of Agriculture website at www.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. 21st 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. R146-16

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, October 17, 2016, at time 9:30am, at Agriculture Headquarters, 405 South 21st 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 561, of the Nevada Administrative Code. The proposal has been designated as File No. R146-16 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 561; a *regulation relating to aquaculture and providing other matters properly relating thereto.*

1. The need for and the purpose of the proposed regulation or amendment
 - The purpose of the proposed amendment to NAC 576 is to include the practice of aquaculture in the requirements for obtaining a producers certificate. There are currently no existing small businesses that will be impacted by these regulations.
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.
 - Participation is voluntary and may identify profit potential in Nevada based aquaculture production.
3. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include:
 - The regulations will impose little, if any, net economic impact on small businesses.
4. The estimated cost to the agency for enforcement of the proposed regulation.
 - As with any producer certificate the agency issues an inspection of the production site is required. This would include travel time, mileage and inspection time. If some new businesses were to become established enforcement could cost the agency between \$200 and \$500.
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.
 - This regulation proposes a new application and also a renewal fee for aquaculture products.

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

The LCB approved revision can be found on the Nevada Department of Agriculture website at 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. 21st Street
Sparks, NV 89431
ATTN: Robert Little, Division Administrator
(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 Wednesday, October 12, 2016. 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 21st 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

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 & 4th Streets, Goldfield, NV 89013
Eureka Branch Library, 10190 Monroe Street, P.O. Box 293, Eureka, NV 89316
Humboldt County Library, 85 East 5th 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 1st 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

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 Krmptic, *Fiscal Analyst*

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

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

August 31, 2016

Ruth Tietjen
Administrative Assistant
Plant Industry Division
Nevada Department of Agriculture
405 South 21st Street
Sparks, Nevada 89431

Re: LCB File No. R146-16

Dear Ms. Fox:

A proposed regulation R146-16 of the State Department of Agriculture has been examined pursuant to NRS 233B.063 and is returned in revised form.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Erin M. Roohan".

Erin M. Roohan
Deputy Legislative Counsel

Brenda J. Erdoes
Legislative Counsel

EMR/slj
Enclosure

RECEIVED
STATE OF NEVADA
DEPARTMENT OF
AGRICULTURE
2016 SEP -2 AM 9:36

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

LCB File No. R146-16

August 31, 2016

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

AUTHORITY: §§1-12, NRS 561.301 and 576.128.

A REGULATION relating to agricultural products; revising certain provisions relating to issuing certified producer's certificates for agricultural products; providing a fee relating to aquaculture products; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Department of Agriculture to adopt regulations requiring certain producers of farm products to obtain certification as an actual producer of a farm product. (NRS 576.128) The Department is also authorized under existing law to regulate aquatic agriculture to the same extent as other agriculture. (NRS 561.301) Under existing regulations, the Department will issue a certified producer certificate to certain producers of agricultural products. (NAC 576.300-576.440) This regulation includes aquaculture products, eggs and honey among the agricultural products for which a producer may obtain a certified producer's certificate. **Section 1** of this regulation revises the definition of "agricultural product" to include crops grown in the soil or any other medium, aquaculture products, eggs and honey. **Section 9** of this regulation adds fees that the Department will charge for certain actions related to a certified producer's certificate for an aquaculture product. **Sections 2-8 and 10-12** of this regulation make conforming changes.

Section 1. NAC 576.310 is hereby amended to read as follows:

576.310 "Agricultural product ~~[of the soil] means a~~ " *includes, without limitation:*

- 1. A* crop grown in soil or any other medium ~~H~~;

2. An aquaculture product produced by aquatic farming, including, without limitation, fish, plants, crustaceans, amphibians, turtles, microorganisms or any product derived from any such fish, plant, crustacean, amphibian, turtle or microorganism;

3. Eggs; and

4. Honey.

Sec. 2. NAC 576.320 is hereby amended to read as follows:

576.320 “Certified producer’s certificate” means a written document issued by the Department pursuant to NAC 576.330, 576.340 and 576.350 which indicates that the holder of the certificate has obtained certification that he or she is the actual producer of each agricultural product ~~{of the soil}~~ which is listed on the certificate.

Sec. 3. NAC 576.325 is hereby amended to read as follows:

576.325 A person who produces only organic agricultural products ~~{of the soil}~~ is exempt from the requirements set forth in NAC 576.300 to 576.440, inclusive.

Sec. 4. NAC 576.330 is hereby amended to read as follows:

576.330 1. To obtain a certified producer’s certificate, a person must submit to the Department, on a form prescribed by the Department, a separate application for each ~~{plot of land}~~ **site** on which an agricultural product ~~{of the soil}~~ will be ~~{grown.}~~ **produced**. For the purposes of this section, a separate application is required for each ~~{plot of land}~~ **site** on which an agricultural product ~~{of the soil}~~ will be ~~{grown}~~ **produced**, if the ~~{plot of land}~~ **site** is not contiguous to any other ~~{plot of land}~~ **site** on which an agricultural product ~~{of the soil}~~ will be ~~{grown.}~~ **produced**.

2. The application must include, without limitation:

- (a) The name, mailing address and telephone number of the applicant;
- (b) The physical address of the ~~{plot of land}~~ *site* on which each agricultural product ~~{of the soil}~~ will be ~~{grown;}~~ *produced;*
- (c) A list of each agricultural product ~~{of the soil}~~ for which the applicant seeks certification and anticipates that he or she will ~~{grow}~~ *produce* and offer for sale during the 12 months for which the certificate is valid;
- (d) The estimated yield of each agricultural product ~~{of the soil}~~ listed on the application;
- (e) The harvest season of each agricultural product ~~{of the soil}~~ listed on the application;
- (f) If an agricultural product ~~{of the soil}~~ is to be stored, the length of time the product will be stored;
- (g) If any agricultural product ~~{of the soil}~~ produced by the applicant is in storage at the time of application, the physical address at which the product is being stored and the amount of the product that is being stored at that location at the time of application;
- (h) The total area of the ~~{plot of land which is under cultivation}~~ *site* for each agricultural product ~~{of the soil}~~ listed on the application, designated in terms of acres or square feet, as applicable;
- (i) A detailed map that indicates the location of the ~~{plot of land}~~ *site* on which any agricultural product ~~{of the soil}~~ listed pursuant to paragraph (c) will be ~~{grown;}~~ *produced;* and
- (j) The fee set forth in NAC 576.371 for the application and the inspection required pursuant to NAC 576.340.

3. Except as otherwise provided in this subsection, an application must be submitted to the Department at least 30 days before the harvest of an agricultural product ~~{of the soil}~~ that is listed

on the application. The Department may, in its discretion, waive the requirements set forth in this subsection.

Sec. 5. NAC 576.340 is hereby amended to read as follows:

576.340 Except as otherwise provided in NAC 576.353 or 576.356, before approving an application for a certified producer's certificate, an amended certified producer's certificate or a renewed certified producer's certificate, the Department, or an authorized representative of the Department, will inspect the ~~{plot of land}~~ site that is indicated on the application to verify the production of each agricultural product ~~{of the soil}~~ that is listed on the application or the existence in storage of each agricultural product ~~{of the soil}~~ that is listed on the application which has been harvested, or both.

Sec. 6. NAC 576.350 is hereby amended to read as follows:

- 576.350 1. Upon approval of an application, the Department will issue a certified producer's certificate to the applicant.
2. A certified producer's certificate must list each agricultural product ~~{of the soil}~~ that is produced by the holder of the certificate.
3. A certified producer's certificate is valid for 12 months after the date on which the certificate is issued.
4. The holder of a certified producer's certificate may apply to the Department to:
- (a) Amend the certificate pursuant to NAC 576.353; and
 - (b) Renew the certificate pursuant to NAC 576.356.

Sec. 7. NAC 576.353 is hereby amended to read as follows:

576.353 1. If the holder of a certified producer's certificate wishes to add an agricultural product ~~{of the soil}~~ to those listed on the certificate, he or she must submit to the Department, on a form prescribed by the Department, a separate application to amend the certificate for each ~~{plot of land}~~ **site** on which an additional agricultural product ~~{of the soil}~~ will be ~~{grown.}~~ **produced**. For the purposes of this section, a separate application is required for each ~~{plot of land}~~ **site** on which an additional agricultural product ~~{of the soil}~~ will be ~~{grown}~~ **produced** if the ~~{plot of land}~~ **site** is not contiguous to any other ~~{plot of land}~~ **site** on which an agricultural product ~~{of the soil}~~ is ~~{grown}~~ **produced** that is listed on the certified producer's certificate.

2. Except as otherwise provided in this subsection, if a holder of a certified producer's certificate wishes to amend the certificate pursuant to subsection 1, the holder must submit an application to amend the certificate at least 30 days before the harvest of any additional agricultural product ~~{of the soil.}~~ The Department may, in its discretion, waive the requirements set forth in this subsection.

3. The application must include, without limitation:

(a) The information required pursuant to subsection 2 of NAC 576.330;

(b) An identification of each additional agricultural product ~~{of the soil}~~ that will be ~~{grown.}~~ **produced;** and

(c) A detailed map that indicates the location of the ~~{plot of land}~~ **site** on which any additional agricultural product ~~{of the soil}~~ will be ~~{grown.}~~ **produced**.

4. The Department may waive the inspection of the ~~{plot of land}~~ **site** that is indicated on the application to amend a certificate, which is required pursuant to NAC 576.340 to verify the production of each additional agricultural product ~~{of the soil.}~~ unless any agricultural product

~~{of the soil}~~ included on the application is substantially different from the agricultural products ~~{of the soil}~~ listed on the original certificate.

5. If the Department approves an application to amend a certified producer's certificate, the Department will issue an amended certificate which lists the additional agricultural products ~~{of the soil}~~ that will be ~~{grown-}~~ *produced*. The amended certificate expires on the expiration date of the original certificate.

Sec. 8. NAC 576.356 is hereby amended to read as follows:

576.356 1. The holder of a certified producer's certificate may renew the certificate every 12 months by submitting to the Department, on a form prescribed by the Department, an application to renew the certificate.

2. Except as otherwise provided in this subsection, if a holder of a certified producer's certificate wishes to renew the certificate, the holder must submit the application for renewal at least 30 days before the certified producer's certificate expires. The Department may, in its discretion, waive the requirements set forth in this subsection.

3. The Department may waive the inspection of the ~~{plot of land}~~ *site* that is indicated on the application to renew a certificate, which is required pursuant to NAC 576.340 to verify the production of each agricultural product, ~~{of the soil,}~~ unless:

(a) The designation of the ~~{plot of land}~~ *site* on which an agricultural product is ~~{grown}~~ *produced* that is listed on the renewal application is different from the ~~{plot of land}~~ *site* designated on the original certificate; or

(b) Any agricultural products ~~{of the soil}~~ included on the renewal application are substantially different from the agricultural products ~~{of the soil}~~ listed on the original certificate.

4. The application for renewal must include:
 - (a) The information required pursuant to subsection 2 of NAC 576.330; and
 - (b) The fee for renewal set forth in NAC 576.371.
5. Upon approval of the application for renewal, the Department will issue a renewed certified producer's certificate to the applicant. A renewed certificate is valid for 12 months after the date on which the renewal certificate is issued.

Sec. 9. NAC 576.371 is hereby amended to read as follows:

576.371 The Department will charge and collect the following nonrefundable fees:

1. For **any agricultural product except an aquaculture product:**

(a) For an application for an initial certified producer's certificate and the inspection required pursuant to NAC 576.340..... \$50.00

~~(b)~~ **(b)** For the renewal of a certified producer's certificate without an inspection..... \$30.00

~~(c)~~ **(c)** For the inspection of any ~~plot of land~~ **site** concerning an agricultural product ~~of the soil~~ **except an aquaculture product** for which a person seeks a certified producer's certificate which is conducted after the initial inspection has been completed and for any other additional inspections:

~~(a)~~ **(1)** For each hour of inspection, calculated from the assigned office of the inspector, per hour..... \$30.00

~~(b)~~ **(2)** For mileage, per mile..... \$0.40

2. **For an aquaculture product:**

(a) For an application for an initial certified producer's certificate and the inspection required pursuant to NAC 576.340..... **\$75.00**

(b) For the renewal of a certified producer's certificate without an inspection.....\$30.00

(c) For the inspection of any site concerning an aquaculture product for which a person seeks a certified producer's certificate which is conducted after the initial inspection has been completed and for any other additional inspections:

(1) For each hour of inspection, calculated from the assigned office of the inspector, per hour.....\$50.00

(2) For mileage, the standard mileage reimbursement rate for which a deduction is allowed for the purposes of federal income tax calculated from the assigned office of the inspector.

Sec. 10. NAC 576.400 is hereby amended to read as follows:

576.400 A person shall not use a certified producer's certificate to claim or imply that the person is the producer of an agricultural product ~~{of the soil}~~ which he or she did not produce.

Sec. 11. NAC 576.410 is hereby amended to read as follows:

576.410 The Director may issue a written order to stop the sale of an agricultural product ~~{of the soil}~~ if that product is advertised, sold, labeled or otherwise represented as certified in violation of NAC 576.300 to 576.440, inclusive. A person shall not sell an agricultural product ~~{of the soil}~~ for which the Director has issued a written order to stop the sale pursuant to this section until the Department determines that the advertising, selling, labeling or other representation of the product complies with NAC 576.300 to 576.440, inclusive.

Sec. 12. NAC 576.440 is hereby amended to read as follows:

576.440 A person:

1. Who is issued a written order to stop the sale of an agricultural product ~~{of the soil}~~ pursuant to NAC 576.410; or
2. Whose certified producer's certificate has been suspended or revoked or has not been renewed pursuant to NAC 576.420,
↳ may request a hearing pursuant to subsection 2 of NRS 561.295.

SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY

NRS 233B.0608

(Revised LCB File# here if Appropriate)

- 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.**

A notice of workshop and a copy of the proposed regulations was sent by email to a handful of individuals who had previously expressed interest in aquaculture to the NDA as well as the Nevada Department of Wildlife (NDOW). The notice and proposed changes were also sent to all county libraries, and all other recipients required in the State Administrative Manual. The notice and proposed changes were also posted at all three NDA offices listed below and on our website (www.agri.nv.gov). Comments were requested in the notice however none were received. NDOW attended the workshop to confirm that there is no statutory overlap proposed by these regulations.

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.**

Our analyses determined that these regulations do not apply to any existing small businesses in Nevada.

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

The proposed fees are very low and the same is paid by the other forms of agriculture in Nevada.

- 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.**

We held the proposed fees to the minimum necessary for the implementation of an application, annual renewal and inspections fees to offset the costs to the agency to conduct the program.

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

Increase cost to agency is minimal.

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.

The NDA is not aware of any businesses currently engaging in aquaculture in Nevada; therefore no annual revenue is projected at this time. If fees were to be collected the revenue would be used to offset the cost of the program.

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.

We concluded that the impact is insignificant because it is the same as what is in place for existing agriculture ventures.

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.

 Deputy Director

James R. Barbee

Director

Nevada Department of Agriculture