



NEVADA DIVISION OF FORESTRY

STATE OF NEVADA
Department of Conservation & Natural Resources
Joe Lombardo, *Governor*
James A. Settlemeyer, *Director*
Kacey KC, *State Forester/Firewarden*

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Adoption of Permanent Regulations of the Nevada Division of Forestry

LCB File Number R154-24

The Nevada Division of Forestry (NDF) will hold a public hearing to receive comments from all interested persons regarding the adoption of regulations that pertain to Chapter 527 of the Nevada Administrative Code.

Date: Monday, October 21, 2024
Time: 9:30am
Location: Nevada Division of Forestry Headquarters
Bryan Building, Bonnie Conference Room (1st Floor)
901 S. Stewart St.
Carson City, NV 89701
Virtual: Click or type the shortcode to access the meeting:
Link: <https://rb.gy/yc2310>
Meeting ID: 220 378 430 293
Passcode: nEuMFn
Or call in (audio only): (775) 321-6111, 74929734#

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

1. The need for and the purpose of the proposed regulation or amendment.

The proposed regulation to list the Red Rock Sunflower (*Helianthus devernii*) on Nevada's list of fully protected species of native flora is needed due to its limited and specific habitat requirements and the presence of threats that threaten its long-term survival. The species faces immediate and future risks, including intensive recreational use, potential land development, lack of protection from grazing by ungulates, wildfires, and invasive species. Protecting the Red Rock Sunflower through this regulation aims to mitigate these threats and ensure the species' continued existence in its native habitat.

- 2. If the proposed regulation is a temporary regulation, the terms or the substance of the proposed regulation to be adopted, amended or repealed, or a description of the subjects and issues involved.**

This is not a temporary regulation.

- 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:**

- a. Both adverse and beneficial effects; and**

- On business: NDF foresees no adverse economic effect on regulated businesses as a result of the regulation. NDF foresees the potential for enrichment of current outdoor recreation-related business operations and local economies by organizations and people interested in rare endemic species and the general appreciation of natural history and unique characteristics of the Red Rock area.
- On the public: This regulation benefits the public by protecting a rare endemic species that is threatened with extinction, a public obligation per NRS 527.260(b). The public will also benefit in similar ways as businesses identified above through opportunities to observe the rare species and its contribution to the unique character of the Red Rock area while recreating. It may also benefit landowners who wish to conserve their properties as open space and habitat for the species through the selling of valuable conservation easements. Adverse impacts to public may include the exclusion of certain ground disturbing activities, including recreation, from sites where populations exist, or unoccupied habitat is designated. Additionally, landowners who have property with populations of this species may see an adverse economic impact due to lower development potential and value because permitted take is not guaranteed in order to develop the property.

- b. Both immediate and long-term effects.**

- On business: Immediate effects may include the reduction of access to very small areas where businesses can guide recreation activities in a very large landscape within the Red Rock National Conservation Area. In the long term, the protected plants may attract increasing amounts of tourists and visitors who contribute to local economies and businesses in the outdoor recreation sector.
- On the public: Nevada will be in compliance with NRS 527.260(b) by offering protection to this rare endemic species. The presence of protected plants may also result in the restriction of private property owners conducting any activities that can result in the take (NAC 527.140) of the plants on their property unless they are issued a Condition Take Permit issued by NDF. In the long-term, the public will have the opportunity to view these unique and rare plants in their native habitats. Private landowners may have the opportunity to sell their properties for conservation purposes.

- 4. The methods used by the agency in determining the impact on a small business.**

NDF and its cooperators at the US Department of Interior-Bureau of Land Management (BLM) and the Nevada Division of Natural Heritage researched the Red Rock Sunflower's life history, legal and rarity status, population and biological research, local land use, and land use history of the plant and its habitats to better understand how the proposed regulation may impact small businesses. The agency prefers not to list a species if sufficient controls

exist to mitigate threats to the plants, eliminating the need for NDF to regulate activities that could lead to the species' extinction. This was not an option in this case due to the rapid pace of development encroaching on the plant's habitat among other threats identified by researchers which could lead to destruction of the populations in the near future.

Additionally, recreation land uses in the direct proximity of the plant populations and habitats already pose threats to the population viability. NDF and other agencies, such as the BLM or US Fish and Wildlife Service have not designated the plant with a legal status that results in its protection from purposeful or incidental destruction on both federal and non-federal lands. Therefore, listing the species is necessary to prevent its extinction from current and future threats.

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

NDF does not anticipate incurring any additional cost resulting from the proposed regulation.

6. 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.

The proposed regulation does not overlap or duplicate any existing regulation.

7. If the regulation is required pursuant to federal law, a citation and description of the federal law.

The proposed regulation is not required by federal law.

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

The regulation includes the listing of the Red Rock Sunflower (*Helianthus devernii*), a species classified as special status by the U.S. Department of the Interior's Bureau of Land Management (BLM), though it is not currently protected under the Federal Endangered Species Act. While no federal legal protections exist, its rarity is considered in land management decisions on federal lands. Adopting this regulation would provide the most stringent protection the species has received to date.

9. Whether the proposed regulation establishes a new fee or increases an existing fee.

The regulation does not create any new fees or increase an existing fee.

10. If the proposed regulation is a temporary regulation, each address at which the text of the regulation may be inspected and copied.)

This is not a temporary regulation.

Persons wishing to comment upon the proposed action of Nevada Division of Forestry may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, by emailing ndfinfo@forestry.nv.gov or by mailing to the following address: Nevada Division of Forestry, 901 S. Stewart Street Ste. 1001, Carson City, NV 89701
Written submissions must be received by the Nevada Division of Forestry on or before May 23, 2024. If no person who is directly affected by the proposed action appears to request time to

make an oral presentation, the Division may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be repealed will be on file at the State Library, Archives and Public Records, 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 repealed will be available at each Division office location detailed in the notice below 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 at no charge upon request.

Upon adoption of any regulation, the Nevada Division of Forestry, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall 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:

Nevada Division of Forestry website <https://forestry.nv.gov/happening-now>

Nevada State Legislature website www.leg.state.nv.us/App/Notice/A/

Nevada Public Notice website <http://notice.nv.gov>

State of Nevada Campus, 1 State of Nevada Way, Las Vegas, NV 89119

Nevada State Legislature, 401 S. Carson St., Carson City, NV 89701

Nevada State Library and Archives, 100 N. Stewart St, Carson City, NV 89701

NDF Headquarters, 901 So. Stewart Street, Carson City, NV 89701

NDF AirOps Hangar, 2301 Firebrand Circle, Minden, NV 89423

Carlin Conservation Camp, 101 Susie Creek Road, Carlin, NV 89822

Elko Interagency Dispatch Center, 725 Aspen Way, Elko, NV 89822

Ely Conservation Camp, 1213 N. Industrial Way, Ely, NV 89301

Eastern Sierra Camp, 1721 Snyder Ave, Carson City, NV 89701

Humboldt Conservation Camp, 8105 Conservation Rd., Winnemucca, NV 89445

Jean Conservation Camp, #2 Prison Road, Jean, NV 89019

Las Vegas Tree Nursery, 9600 Thule Springs Road, Las Vegas, NV 89131

Pioche Conservation Camp, 1 Hard Times Road, Pioche, NV 89043

Sierra Front Interagency Dispatch Center, 2311 Firebrand Circle, Minden, NV 89423

Southern Region Headquarters, 4747 Las Vegas Blvd., Las Vegas, NV 89108

Three Lakes Valley Conservation Camp, 21055 Cold Creek Road, Indian Springs, NV 89124

Tonopah Conservation Camp, 100 Conservation Rd Hwy 376, Tonopah, NV 89049

Washoe Tree Nursery, 885 Eastlake Blvd, Washoe Valley, NV 89704

Western Region Headquarters, 885 Eastlake Blvd., Washoe Valley, NV 89704

Bowers Fire Station, 3905 Old Highway 395 North, Washoe Valley, NV 89704

Churchill County Library, 553 South Maine Street, Fallon, NV 89406

Esmeralda County Library, Crook Avenue & 4th Street, Goldfield, NV 89013

Eureka County Library, 10190 Monroe Street, Eureka, NV 89316
Lander County Library, 625 South Broad Steet, Battle Mountain, NV 89820
Lyon County Library, 20 Nevin Way, Yerington, NV 89447
Mineral County Library, 110 1st Street, PO Box 1390, Hawthorne, NV 89415
Pershing County Library, 1125 Central Avenue, PO Box 781, Lovelock, NV 89419
Storey County Library, 175 Carson Street, Virginia City, NV 89440

Posted on: 9/20/2024

**PROPOSED REGULATION OF THE
STATE FORESTER FIREWARDEN**

LCB File No. R154-24

July 8, 2024

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

AUTHORITY: § 1, NRS 527.050 and 527.270.

A REGULATION relating to forestry; revising the list of fully protected species of native plants that are critically endangered and threatened with extinction; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides that if the State Forester Firewarden determines that the existence of a species or subspecies of native flora is endangered and its survival requires assistance, the State Forester Firewarden shall place the species on the list of fully protected species. (NRS 527.270) Existing law prohibits a person from willfully or negligently cutting, destroying, mutilating, picking or removing a species on the list of fully protected species by the State Forester Firewarden and authorizes the State Forester Firewarden to establish regulations to enforce this prohibition. (NRS 527.050) This regulation: (1) adds Red Rock sunflower to the list of fully protected species of native plants that are critically endangered and threatened with extinction; and (2) revises the scientific names of Unusual catseye, Spring-loving centaury, Blue Diamond cholla and Ash Meadows gumplant.

Section 1. NAC 527.010 is hereby amended to read as follows:

527.010 1. The State Forester Firewarden has declared the following species and subspecies of native plants to be critically endangered and threatened with extinction pursuant to NRS 527.270:

Arctomecon californica, Las Vegas bearpoppy

Torrey & Fremont

Astragalus geyeri var. *triquetrus*,

Threecorner milkvetch

(A. Gray) M.E. Jones

<i>Astragalus lentiginosus</i> Douglas var. <i>sesquimetralsis</i> , Sodaville milkvetch	(Rydberg) Barneby
<i>Astragalus phoenix</i> , Ash Meadows milkvetch	Barneby
<i>Astragalus yoder-williamsii</i> , Osgood Mountains milkvetch	Barneby
<i>Castilleja salsuginosa</i> , Monte Neva paintbrush	N. Holmgren
{<i>Centaureum namophilum</i>, Spring-loving centaury	Reveal, Broome & Beatley}
{<i>Cryptantha insolita</i>, Unusual catseye	(MacBride) Payson}
<u><i>Cylindropuntia multigeniculata</i></u> , <i>Blue Diamond cholla</i>	<i>(Clokey) Backeberg</i>
<i>Enceliopsis nudicaulis</i> var. <i>corrugata</i> , Ash Meadows sunray	(A. Gray) A. Nelson
<i>Eriogonum argophyllum</i> , Sulphur Springs buckwheat	Reveal
<i>Eriogonum diatomaceum</i> , Churchill Narrows buckwheat	Reveal, J. Reynolds & Picciani
<i>Eriogonum ovalifolium</i> var. <i>williamsiae</i> , Steamboat buckwheat	Reveal
<i>Eriogonum viscidulum</i> , Sticky buckwheat	J.T. Howell
<i>Frasera gypsicola</i> , Sunnyside green gentian	(Barneby) D.M. Post
<i>Grindelia</i> {<i>fraxino-pratensis</i>} <u><i>fraxinipratensis</i></u> , Ash Meadows gumplant	Reveal & <i>Beatley</i>
<u><i>Helianthus devernii</i></u> , <i>Red Rock sunflower</i>	<i>T.M. Draper</i>
<i>Ivesia kingii</i> var. <i>eremica</i> , Ash Meadows ivesia	(Coville) Ertter
<i>Ivesia webberi</i> , Webber ivesia	A. Gray
<i>Mentzelia leucophylla</i> , Ash Meadows blazingstar	Brandege
<i>Nitrophila mohavensis</i> , Amargosa niterwort	Munz & Roos
{<i>Opuntia whipplei</i> var. <i>multigeniculata</i>, Blue Diamond cholla	(Clokey) Benson}

Oreocarya insolita, *Unusual catseye*

J.F. Macbride

Phacelia inconspicua, Obscure scorpion plant

E.L. Greene

Polyctenium williamsiae, Williams combleaf

Rollins

Rorippa subumbellata, Tahoe yellowcress

Rollins

Spiranthes diluvialis, Ute lady's tresses

Sheviak

Zeltnera namophila, *Spring-loving centaury*

(Reveal, C.R. Broome &

Beatley) G. Mans.

2. The common names of species and subspecies of native flora listed in this section are provided for convenience and must not be relied upon for identification of any specimen due to the substantial variations in local usage of common names.

3. The State Forester Firewarden will rely to the extent practicable upon and hereby adopts by reference the *International Code of Nomenclature for algae, fungi, and plants*, 2018 edition, and any subsequent edition issued by the International Association for Plant Taxonomy, or its successor organization, which has been approved by the State Forester Firewarden, to determine the correct names and synonyms of the species and subspecies of native plants critically endangered and threatened with extinction. Each new edition of the publication shall be deemed approved by the State Forester Firewarden, unless the edition is disapproved by the State Forester Firewarden within 60 days after the date of publication by the International Association for Plant Taxonomy, or its successor organization. The publication is available, free of charge, from the International Association for Plant Taxonomy at the Internet address <https://www.iapt-taxon.org/nomen/main.php>.

4. The State Forester Firewarden will review each subsequent edition of the *International Code of Nomenclature for algae, fungi, and plants* to determine its suitability for this State. If the State Forester Firewarden determines that the most recent edition is not suitable, the State Forester Firewarden will hold a public hearing to review that determination. If, after the hearing, the State Forester Firewarden finally determines that the most recent edition is not suitable for this State, he or she will, within 30 days after that determination, give notice that the edition is not adopted by reference.



NEVADA DIVISION OF FORESTRY

STATE OF NEVADA
Department of Conservation & Natural Resources
Joe Lombardo, *Governor*
James A. Settlemeyer, *Director*
Kacey KC, *State Forester/Firewarden*

PUBLIC ADOPTION HEARING AGENDA LCB File R154-24

MONDAY, OCTOBER 21, 2024 at 9:30AM

Richard Bryan Building
Bonnie Conference Room (1st Floor)
901 S. Stewart Street
Carson City, NV 89701

Teleconference Access Information

Link: <https://rb.gy/yc2310>
Meeting ID: 220 378 430 293
Passcode: nEuMFn
Or call in (audio only): (775) 321-6111, 74929734#

1. CALL TO ORDER

2. PUBLIC COMMENT

All public comments should be as brief and concise as possible so that all who wish to speak may do so (3 minutes for individuals and 5 minutes for group representatives). Comment will not be restricted based on viewpoint.

3. REVIEW AND DISCUSSION OF LCB File R154-24

The proposed regulation updates the State's list of fully protected species of native flora with Red Rock Sunflower (*Helianthus devernii*) and updated nomenclature for existing listed species,

4. ADOPTION OF LCB File R154-24 (FOR POSSIBLE ACTION)

5. PUBLIC COMMENT

All public comments should be as brief and concise as possible so that all who wish to speak may do so (3 minutes for individuals and 5 minutes for group representatives). Comment will not be restricted based on viewpoint.

6. ADJOURNMENT

Note: Items on the agenda may be taken out of the posted order, items may be combined for consideration, and items may be pulled or removed from the agenda.

Notice of this meeting was posted in the following locations:

Department of Conservation and Natural Resources, 901 S. Stewart St., Carson City, Nevada

NDF Southern Region Headquarters, 4747 Las Vegas Blvd., Las Vegas, NV 89108

NDF Western Region Headquarters, 885 Eastlake Blvd., Washoe Valley, NV 89704

Nevada State Legislature, 401 S. Carson St., Carson City, Nevada

State of Nevada Campus, 1 State of Nevada Way, Las Vegas, NV 89119

Nevada State Library and Archives, 100 N. Stewart St, Carson City, Nevada

Notice of this meeting was also posted to the Division website at <https://forestry.nv.gov/>, Nevada Public Notice website at <https://notice.nv.gov/>, and Nevada Legislature Administrative Notices at <https://www.leg.state.nv.us/App/Notice/A/>

We are pleased to provide reasonable accommodation for individuals with disabilities who wish to attend the meeting. If special accommodations or assistance at the meeting are requested, please notify our office by writing to the Nevada Division of Forestry 901 S. Stewart Street, Suite 1001, Carson City, NV 89701; or by calling 775-684-2500 no later than two (2) working days prior to the scheduled meeting. You can also email ndfinfo@forestry.nv.gov.

To obtain support material for the agenda please email ndfinfo@forestry.nv.gov, call 775-684-2500 or write to Nevada Division of Forestry 901 S. Stewart Street, Suite 1001, Carson City, NV 89701. Materials will also be posted on the [NDF Website](https://forestry.nv.gov/happening-now) at <https://forestry.nv.gov/happening-now>.