



NEVADA DIVISION OF FORESTRY

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

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY NRS 233B.066

LCB File: R049-24

The following statement is submitted for adopted amendments to Nevada Administrative Code (“NAC”) Chapter 472.

1. A clear and concise explanation of the need for the adopted regulation.

The repeal of this regulation aims to broaden the availability of conservation plants to all landowners in Nevada for various conservation purposes, regardless of parcel size and location. The Nevada Division of Forestry (NDF) Conservation Nurseries produce conservation plant materials not commonly accessible to the public through other outlets and retailers. However, the ever-expanding city limits and smaller parcel sizes that fail to meet the NAC-required purchaser eligibility criteria are impeding public access to plants crucial for conservation achieving objectives within those areas. These objectives encompass water conservation, erosion control, human health, wildfire risk reduction, mitigation of urban heat islands, decreased energy consumption, promotion of pollinator habitats, reduction of chemical fertilizer and pesticide usage, enhancement of biodiversity, and habitat functionality. Conservation efforts across all scales and locations are essential for achieving collective health, economic, and quality of life benefits for all residents of Nevada.

2. A description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.

A public workshop was held in-person and virtually on March 8, 2024, to solicit public comment from interested parties. There were no participants during the public workshop. A final adoption public hearing was held on March 23, 2024. Members of the public were invited to participate in-person and virtually in accordance with the Open Meeting Law. There was no public comment during the adoption hearing.

Additionally, copies of the proposed regulations, notice of workshop, and notice of intent to act upon regulations were posted to the Division’s website, the Legislative Counsel Bureau website, and the public notice website. Notices and copies of the proposed regulations were also posted at public libraries, all locations where the Nevada Division of Forestry has an office, the Bryan Building in Carson City, and the Grant Sawyer Building in Las Vegas. The Division also allowed the public to submit written comment, though no written comment was received.

3. The number of persons from the public who:

a. Attended each hearing:

No person from the public attending the public hearing on May 23, 2024.

b. Testified at each hearing:

No person from the public testified the public hearing on May 23, 2024.

c. Submitted to the agency written comments:

No person from the public submitted written comment to the agency.

4. A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented (if provided to the agency), for each person who testified at each hearing and submitted to the agency written statements.

The following is a list of names and contact information for all public persons who attended, testified or submitted written statements.

a. None

5. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

NDF conducted a mail survey targeting all 66 Nevada businesses specializing in the sale of plant materials, as identified through online sources. Two responses were received, both indicating that the businesses would not be affected—neither positively nor negatively—by the regulation change, either directly or indirectly. For further details, the summary can be accessed on NDF's website at <https://forestry.nv.gov/happening-now/events/nac528110>.

6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

No public comment was received; the Division is submitting for final adoption as proposed.

7. The estimated economic effect of the adopted regulation on the businesses which it is to regulation and on the public. These must be stated separately, and each case must include:

a. Both adverse and beneficial effects; and

- On business: NDF foresees minimal to no adverse effects on regulated businesses as a result of the regulation, except for a small subset of businesses that may have overlapping products with state nurseries. However, there are existing policies governing plant material sales, along with the specific combinations of size and species offered by NDF, which effectively minimize market overlap between

small businesses and NDF's nursery plant materials markets in Nevada. This repeal could benefit businesses through broader availability of effective conservation plant materials that could be used to install conservation projects in areas that do not currently qualify.

- On the public: The repeal of this regulation benefits the public by increasing the availability of native and naturalized plant materials providing Nevada consumers with a broader selection for their conservation projects. Additionally, conservation project installation has a combined beneficial effect beyond the site where it is typically installed because water, air, energy, and other natural resources are shared by the public and often cross jurisdictional lines, landowner boundaries, and into public spaces. There is no perceived adverse effect to the public.

b. Both immediate and long-term effects.

- On business: In the short term, businesses may experience a minimal impact on plant material sales where there is overlap with state nurseries. However, in the long term, businesses might adjust the plant materials they offer, potentially eliminating the overlap in products for sale.
- On the public: NDF anticipates no change in the timing of the effects listed above. The effects should remain the same in the immediate or long-term effects on the public as the repeal of the regulation simply broadens the availability of specific plant materials accessible from state conservation nurseries.

8. The estimated cost to the agency for enforcement of the adopted regulation.

There is no cost to the agency.

9. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

There are no other regulations of other state or government agencies which the proposed regulation overlaps or duplicates. The proposed regulation does not include provisions which are more stringent than a federal regulation which regulates the same activity and no summary is provided.

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

Not applicable.

11. If the 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.

Not applicable.