

Chapter 555 of NAC

LCB File No. T009-05

ADOPTED TEMPORARY REGULATION OF THE  
STATE DEPARTMENT OF AGRICULTURE

Filed with the Secretary of State on March 24, 2005

CLASSIFICATION OF WEEDS

NAC 555.010 Designation of noxious weeds. (NRS 555.130) The following weeds are designated noxious weeds:

<del>1. African rue.</del>	<del>(<i>Peganum harmala</i>)</del>
<del>2. Austrian fielderess.</del>	<del>(<i>Rorippa austriaca</i>)</del>
<del>3. Austrian peaweed.</del>	<del>(<i>Sphaerophysa salsula</i>)</del>
-	<del>(<i>Swainsona salsula</i>)</del>
<del>4. Black henbane.</del>	<del>(<i>Hyoseyamus niger</i>)</del>
<del>5. Camelthorn.</del>	<del>(<i>Alhagi camelorum</i>)</del>
<del>6. Common crupina.</del>	<del>(<i>Crupina vulgaris</i>)</del>
<del>7. Dyer's woad.</del>	<del>(<i>Isatis tinctoria</i>)</del>
<del>8. Eurasian watermilfoil.</del>	<del>(<i>Myriophyllum spicatum</i>)</del>
<del>9. Giant salvinia.</del>	<del>(<i>Salvinia molesta</i>)</del>
<del>10. Goats rue.</del>	<del>(<i>Galega officinalis</i>)</del>
<del>11. Green fountain grass.</del>	<del>(<i>Pennisetum setaceum</i>)</del>
<del>12. Hemlock:</del>	<del>-</del>
<del>    (a) Poison; and</del>	<del>(<i>Conium maculatum</i>)</del>
<del>    (b) Water.</del>	<del>(<i>Cicuta maculata</i>)</del>
<del>13. Horse nettle:</del>	<del>-</del>
<del>    (a) Carolina; and</del>	<del>(<i>Solanum carolinense</i>)</del>
<del>    (b) White.</del>	<del>(<i>Solanum elaeagnifolium</i>)</del>
<del>14. Houndstongue.</del>	<del>(<i>Cynoglossum officinale</i>)</del>
<del>15. Hydrilla.</del>	<del>(<i>Hydrilla verticillata</i>)</del>
<del>16. Knapweed:</del>	<del>-</del>
<del>    (a) Diffuse;</del>	<del>(<i>Centaurea diffusa</i>)</del>
<del>    (b) Russian;</del>	<del>(<i>Centaurea repens</i>)</del>
<del>    (c) Spotted; and</del>	<del>(<i>Centaurea maculosa</i>)</del>
<del>    (d) Squarrose.</del>	<del>(<i>Centaurea virgata</i>)</del>
<del>17. Leafy spurge.</del>	<del>(<i>Euphorbia esula</i>)</del>
<del>18. Malta starthistle.</del>	<del>(<i>Centaurea melitensis</i>)</del>
<del>19. Mayweed chamomile.</del>	<del>(<i>Anthemis cotula</i>)</del>
<del>20. Mediterranean sage.</del>	<del>(<i>Salvia aethiopis</i>)</del>
<del>21. Medusahead.</del>	<del>(<i>Taeniatherum caput-medusae</i>)</del>
<del>22. Perennial pepperweed.</del>	<del>(<i>Lepidium latifolium</i>)</del>

- ~~—23. Puncture vine. (Tribulus terrestris)~~
- ~~—24. Purple loosestrife. (Lythrum salicaria, Lythrum virgatum and their cultivars)~~
- ~~—25. Rush skeletonweed. (Chondrilla juncea)~~
- ~~—26. Salteedar. (Tamarix ramosissima, T. parviflora)~~
- ~~—27. Sorghum species, perennial, including, (Sorghum spp.)~~  
~~\_\_\_\_\_ but not limited to: -~~
- ~~\_\_\_\_\_ (a) Johnson grass; -~~
- ~~\_\_\_\_\_ (b) Sorghum alum; and -~~
- ~~\_\_\_\_\_ (c) Perennial sweet sudan. -~~
- ~~—28. Starthistle: -~~
- ~~\_\_\_\_\_ (a) Iberian; (Centaurea iberica)~~
- ~~\_\_\_\_\_ (b) Purple; and (Centaurea calcitrapa)~~
- ~~\_\_\_\_\_ (c) Yellow. (Centaurea solstitialis)~~
- ~~—29. St. Johnswort. (Hypericum perforatum)~~
- ~~—30. Sulfur cinquefoil. (Potentilla recta)~~
- ~~—31. Syrian bean caper. (Zygophyllum fabago)~~
- ~~—32. Thistle: -~~
- ~~\_\_\_\_\_ (a) Canada; (Cirsium arvense)~~
- ~~\_\_\_\_\_ (b) Musk; (Carduus nutans)~~
- ~~\_\_\_\_\_ (c) Scotch; and (Onopordum acanthium)~~
- ~~\_\_\_\_\_ (d) Sow. (Sonchus arvensis)~~
- ~~—33. Toadflax: -~~
- ~~\_\_\_\_\_ (a) Dalmation; and (Linaria dalmatica)~~
- ~~\_\_\_\_\_ (b) Yellow. (Linaria vulgaris)~~
- ~~—34. Whitetop or hoary cress. (Cardaria draba)]~~

**DEFINITIONS**

*Category "A": Weeds not found or limited in distribution throughout the state; actively excluded from the state and actively eradicated wherever found; actively eradicated from nursery stock dealer premises; control required by the state in all infestations*

*Category "B": Weeds established in scattered populations in some counties of the state; actively excluded where possible, actively eradicated from nursery stock dealer premises; control required by the state in areas where populations are not well established or previously unknown to occur*

*Category "C": Weeds currently established and generally widespread in many counties of the state; actively eradicated from nursery stock dealer premises; abatement at the discretion of the state quarantine officer*

*Category "Q": Weeds requiring "A" action pending determination of a permanent rating; weeds suspected to be of economic importance but status is uncertain because of incomplete identification or inadequate information*

*Category A Weeds:*

- |                                   |  |
|-----------------------------------|--|
| 1. <i>African Rue</i>             | <u><i>(Peganum harmala)</i></u>                                |
| 2. <i>Austrian fieldcress</i>     | <u><i>(Rorippa austriaca)</i></u>                              |
| 3. <i>Austrian peaweed</i>        | <u><i>(Sphaerophysa salsula)</i></u>                           |
| 4. <i>Black henbane</i>           | <u><i>(Hyoscyamus niger)</i></u>                               |
| 5. <i>Camelthorn</i>              | <u><i>(Alhagi pseudalhagi)</i></u>                             |
| 6. <i>Common crupina</i>          | <u><i>(Crupina vulgaris)</i></u>                               |
| 7. <i>Dalmatian toadflax</i>      | <u><i>(Linaria dalmatica)</i></u>                              |
| 8. <i>Dyer's woad</i>             | <u><i>(Isatis tinctoria)</i></u>                               |
| 9. <i>Eurasian water-milfoil</i>  | <u><i>(Myriophyllum spicatum)</i></u>                          |
| 10. <i>Giant Salvinia</i>         | <u><i>(Salvinia molesta)</i></u>                               |
| 11. <i>Goats rue</i>              | <u><i>(Galega officinalis)</i></u>                             |
| 12. <i>Houndstongue</i>           | <u><i>(Cynoglossum officinale)</i></u>                         |
| 13. <i>Hydrilla</i>               | <u><i>(Hydrilla verticillata)</i></u>                          |
| 14. <i>Iberian star thistle</i>   | <u><i>(Centaurea iberica)</i></u>                              |
| 15. <i>Klamath weed</i>           | <u><i>(Hypericum perforatum)</i></u>                           |
| 16. <i>Malta star thistle</i>     | <u><i>(Centaurea melitensis)</i></u>                           |
| 17. <i>Mayweed Chamomile</i>      | <u><i>(Anthemis cotula)</i></u>                                |
| 18. <i>Mediterranean sage</i>     | <u><i>(Salvia aethiopis)</i></u>                               |
| 19. <i>Purple star thistle</i>    | <u><i>(Centaurea calcitrapa)</i></u>                           |
| 20. <i>Purple loose strife</i>    | <u><i>(Lythrum salicaria, L. virgatum &amp; cultivars)</i></u> |
| 21. <i>Rush skeletonweed</i>      | <u><i>(Chondrilla juncea)</i></u>                              |
| 22. <i>Sow thistle</i>            | <u><i>(Sonchus arvensis)</i></u>                               |
| 23. <i>Spotted knapweed</i>       | <u><i>(Centaurea maculosa)</i></u>                             |
| 24. <i>Squarrose star thistle</i> | <u><i>(Centaurea virgata)</i></u>                              |
| 25. <i>Sulfur cinquefoil</i>      | <u><i>(Potentilla recta)</i></u>                               |
| 26. <i>Syrian bean caper</i>      | <u><i>(Zygophyllum fabago)</i></u>                             |
| 27. <i>Yellow starthistle</i>     | <u><i>(Centaurea solstitialis)</i></u>                         |
| 28. <i>Yellow toadflax</i>        | <u><i>(Linaria vulgaris)</i></u>                               |

*Category B Weeds*

- |                                 |  |
|---------------------------------|--|
| 1. <i>Carolina horse nettle</i> | <u><i>(Solanum carolinense)</i></u>        |
| 2. <i>Diffuse knapweed</i>      | <u><i>(Centaurea diffusa)</i></u>          |
| 3. <i>Leafy spurge</i>          | <u><i>(Euphorbia esula)</i></u>            |
| 4. <i>Medusahead</i>            | <u><i>(Taeniatherum caput-medusae)</i></u> |
| 5. <i>Musk thistle</i>          | <u><i>(Carduus nutans)</i></u>             |
| 6. <i>Russian knapweed</i>      | <u><i>(Acroptilon repens)</i></u>          |
| 7. <i>Scotch thistle</i>        | <u><i>(Onopordum acanthium)</i></u>        |
| 8. <i>White horse nettle</i>    | <u><i>(Solanum elaeagnifolium)</i></u>     |

*Category C Weeds*

- |                                |                                     |
|--------------------------------|-------------------------------------|
| 1. <i>Canada thistle</i>       | <u><i>(Cirsium arvense)</i></u>     |
| 2. <i>Green fountain grass</i> | <u><i>(Pennisetum setaceum)</i></u> |
| 3. <i>Hoary cress</i>          | <u><i>(Cardaria draba)</i></u>      |
| 4. <i>Johnson grass</i>        | <u><i>(Sorghum halepense)</i></u>   |
| 5. <i>Perennial pepperweed</i> | <u><i>(Lepidium latifolium)</i></u> |

6. *Poison Hemlock*

7. *Puncture vine*

8. *Salt cedar(tamarisk)*

9. *Water Hemlock*

*(Conium maculatum)*

*(Tribulus terrestris)*

*(Tamarix spp.)*

*(Cicuta macula)*

## POLICY STATEMENT

### AMENDMENT TO NAC 555.010 NOXIOUS WEEDS TIERED LIST

A noxious weed is a plant that has been defined as a pest by law or regulation. Both Nevada and the U.S government maintain lists of plants that are considered threats to the well being of the state or the country. The two lists differ significantly.

In Nevada, The Nevada Department of Agriculture (hereinafter referred to as “the Department”) will recommend plants for listing after consultation with outside experts and a panel composed of Nevada Weed Action Committee members. If a plant is found to probably be “detrimental or destructive and difficult to control or eradicate” (Nevada Revised Statute 555.005), the Department, with approval of the Board of Agriculture, will designate the plant as a noxious weed.

Chapter 555 sections .005-.217 of the Nevada Revised Statutes authorize the Department to investigate noxious weeds and require land owners or occupants to control such weeds. This statutory duty requires a noxious weed policy which recognizes that weeds vary as to their potential and actual harm to Nevada’s agriculture and environment. Overall noxious weed significance is the basis for determining what prevention or control activities are appropriate, at what level, and when and where those activities should be conducted.

- A. Noxious weed ratings are intended to be used as aids to inform land owners and managers and other interested persons as to a particular noxious weed’s environmental, agricultural and biological significance, as well as its importance to the general public, and the action recommended by the Department to deal with the pest.
- B. Each pest rating represents the **Department’s** view of the **statewide** importance of the noxious weed to the crops, livestock, public health, wildlife, water quality and beneficial uses of land in Nevada. **Local conditions may dictate more stringent action against a pest than recommended at a state level.**
- C. It is the Department’s policy to use the “Noxious Weed Tier System” to determine what action is to be taken consistent with existing statutes which include authority for: the promulgation of quarantine, abatement for eradication and/or control; holding and inspecting; establishing weed control districts; and for other regulatory activities.

At the time that the Department lists a species, it will also give a rating of A, B, C, or Q. These ratings reflect the **Department’s view of the statewide importance of the noxious weed, the likelihood that eradication or control efforts would be successful, and the present distribution of noxious weeds within the state.** These lists will be in the Nevada Administrative Code (NAC 555.010).

## DEFINITIONS

“A” Weeds normally limited in distribution throughout the state; actively excluded from the state and actively eradicated wherever found; actively eradicated from nursery stock dealer premises; control required by the state

“B” Weeds more widespread throughout the state; actively excluded where possible, actively eradicated from nursery stock dealer premises; control required by the state in areas where populations are not well established or previously unknown to occur

“C” Weeds generally widespread throughout the state; actively eradicated from nursery stock dealer premises; abatement at the discretion of the state quarantine officer

“Q” Weeds requiring “A” action pending determination of a permanent rating; weeds suspected to be of economic importance but status is uncertain because of incomplete identification or inadequate information

## SMALL BUSINESS IMPACT STATEMENT

The purpose of this Small Business Impact Form is to provide a framework pursuant to NRS 233B.0608 to determine where a small business impact statement is required for submittal of a proposed regulation before the Nevada Department of Agriculture. If questions one (1) and two (2) are answered No, then a small business impact statement is not required. If question one (1) or two (2) is answered with a YES, then a small business impact statement is required prior to conducting a public workshops by the Department. (This form must be submitted with the proposed regulation when submitted for drafting by LCB and adoption by the Nevada State Board of Agriculture.)

Proposed regulation: NAC 554.885 thru NAC 554.905, pertaining to NAC 587.360, pertaining to Inspection and Certification Fees.

### Part 1

1. Does this proposed regulation impose a direct and significant economic burden upon a small business ? . No
2. Does this proposed regulation restrict the formation, operation or expansion of a small business ? No

**Note: Small Business is defined as a “business conducted for profit which employs fewer than 150 full-time or part-time employees” (NRS 233B.0382).**

3. If **YES** to either of questions 1& 2, the following action must be taken:
  - a. Was a small business impact statement prepared and was it available at the public workshop ?
  - b. Attach the small business impact statement (part 2) as part of this form upon submission for drafting by LCB and adoption by the Nevada Board of Agriculture.

### Part 2

1. Describe the manner in which comments were solicited from affected small businesses, a summary of the response from small businesses and an explanation of the manner in which other interested persons may obtain a copy of the summary.

N/A

2. The estimated economic effect of the proposed regulation on small business:
  - a. Both adverse and beneficial effects: none
  - b. Both direct and indirect effects: none

3. The description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses.
  - a. Simplification of the proposed regulation.
  - b. Establishment of different standards of compliance for a small business.
  - c. Modification of fees or other monetary interests that a small business is authorized to pay at a lower fee.
4. The estimated cost to the agency for enforcement of the proposed regulation.
5. If this regulation provides for 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.
6. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards relating to the same activity, provide an explanation of why the proposed regulation is duplicative or more stringent and why it is necessary.