

ALLEN BIAGGI, *Director*  
Department of Conservation  
And Natural Resources

JIM GIBBONS  
*Governor*

PETE ANDERSON  
*State Forester Firewarden*



STATE OF NEVADA  
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES  
**NEVADA DIVISION OF FORESTRY**

2478 Fairview Drive  
Carson City, Nevada 89701  
Phone (775) 684-2500 Fax (775) 684-2570

September 17, 2008

**MEMORANDUM**

**To:** Librarians and Administrators

**From:** Pete Anderson, State Forester Firewarden 

**Subject:** Request for Posting of Notice of Comment Period and Text of Proposed Regulation.

Thank you in advance for posting the enclosed NOTICE OF INTENT TO ACT UPON A REGULATION COMMENT PERIOD and the text of the REVISED PROPOSED REGULATION OF THE STATE FORESTER FIREWARDEN, and for making them available for copying by members of the public.

cc: Allen Biaggi  
Kay Scherer  
Robert Kilroy  
Bob Ashworth  
Rich Harvey  
Jennifer Newmark  
File

## NOTICE OF INTENT TO ACT UPON A REGULATION

September 24, 2008

### Notice of Hearing for the Adoption of Regulations of the **State Forester of the Nevada Division of Forestry**

The Nevada Division of Forestry will hold a **Public Hearing at 9:00 a.m. to 11:00 a.m. on November 4, 2008 at the Conference Room of the Nevada Division of Forestry, 4747 West Vegas Drive, Las Vegas, Nevada.** The purpose of the hearing is to receive comments from all interested person regarding the adoption of regulations that pertain to chapter 527 of the Nevada Administrative Code.

In addition, **Public Hearings** to solicit input and comments from all interested persons are set for:

- 1) November 4, 2008, 9:00 a.m. - 11:00 a.m., at Nevada Division of Forestry, 2478 Fairview Drive, Carson City, Nevada.
- 2) November 4, 2008, 9:00 a.m. – 11:00 a.m., at Nevada Division of Forestry, 911 Falcon Way, Elko, Nevada.

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

1. The Nevada Legislature has declared that the people of the State have an obligation to conserve and protect the various species of native flora which are threatened with extinction. The purpose of this regulation is to provide a program for the conservation, protection, restoration and propagation of endangered native plants and for the perpetuation of their habitats in accordance with NRS 527.260.
2. The text of the proposed regulation is attached hereto.
3. With respect to native Nevada flora that has been listed as an endangered or threatened species by the United States Fish and Wildlife Service pursuant to the Endangered Species Act there will be overlap with the federal law contained at 16 U.S.C. §§ 1531-1544 and the federal regulations promulgated thereto.
4. The proposed regulation makes changes to the list of critically endangered plant species.

Persons wishing to comment upon the proposed action of the Nevada Division of Forestry may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to the Nevada Division of Forestry, to the attention of Rich Harvey, 2478 Fairview Drive, Carson City, Nevada 89701 or by email to [rharvey@forestry.nv.gov](mailto:rharvey@forestry.nv.gov). Written submissions and emails must be received by the Nevada Division of Forestry on or before November 21, 2008. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada Division of Forestry may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be adopted will be on file at the State Library, 100 N. Stewart St., Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be adopted will be available at the Nevada Division of Forestry offices at 2478 Fairview Drive, Carson City, Nevada; at 911 Falcon Lane, Elko, Nevada; at 4747 West Vegas Dr., Las Vegas, Nevada; the Department of Conservation and Natural Resources Office at 901 South Stewart Street, Carson City, Nevada; and at the main public library for each Nevada county, for inspection and copying by members of the public during business hours. Additional copies of the notice and the regulation to be adopted will be 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. 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.

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:

Nevada Division of Forestry  
4747 West Vegas Dr.  
Las Vegas, NV 89108

Tonopah Public Library  
167 Central Street  
Tonopah, NV 89049

Nevada Division of Forestry  
911 Falcon Lane  
Elko, NV 89802

Pershing County Library  
1125 Central Avenue  
Lovelock, NV 89419

Nevada Division of Forestry  
2478 Fairview Drive  
Carson City, NV 89701

Storey County Library  
95 South R Street  
Virginia City, NV 89440

Department of Conservation & Natural Resources  
901 South Stewart St. Suite 5001  
Carson City, NV 89701

Washoe County Library  
301 South Center  
Reno, NV 89501

Churchill County Library  
5535 S. Maine Street  
Fallon, NV 89406

White Pine County Library  
950 Campton Street  
Ely, NV 89301

Clark County Library  
833 Las Vegas Blvd., North  
Las Vegas, NV 89101

Battle Mountain Branch Library  
625 South Broad Street  
P.O. Box 141  
Battle Mountain, NV 89820

Elko County Library  
720 Court Street  
Elko, NV 89801

Carson City Library  
900 N. Roop Street  
Carson City, NV 89701

Goldfield Public Library  
Fourth & Crook Street  
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

Lincoln County Library  
63 Main Street  
Pioche, NV 89043

Lyon County Library  
20 Nevin Way  
Yerington, NV 89447

Mineral County Library  
First & A Street  
Hawthorne, NV 89415

Douglas County Library  
1625 Library Lane  
P.O. Box 337  
Minden, NV 89423

**PROPOSED REGULATION OF THE  
STATE FORESTER FIREWARDEN**

**LCB File No. R064-05**

September 24, 2008

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

AUTHORITY: §1, NRS 527.270.

**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:

<i>Arctomecon californica</i> , Las Vegas bearpoppy	Torrey & Fremont
<i>Astragalus beatleyae</i> , Beatley milkvetch	Barneby
<i>Astragalus geyeri</i> var. <i>triquetrus</i> , Threecorner milkvetch	(A. Gray) M.E. Jones
<i>Astragalus lentiginosus</i> Douglas var. <i>sesquimetralis</i> , Sodaville milkvetch	(Rydberg) Barneby
<i>Astragalus mohavensis</i> var. <i>hemigyris</i> , Halfring milkvetch	(Clokey) 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>Centaurium namophilum</i> , Spring-loving centaury	Reveal, Broome & Beatley
<i>Cryptantha insolita</i> , Unusual catseye	(MacBride) Payson
<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 ovalifolium</i> var. <i>williamsiae</i> , Steamboat buckwheat	Reveal
<b><i>Eriogonum corymbosum</i> var. <i>nilesii</i>, Las Vegas buckwheat</b>	<b>Reveal</b>
<i>Eriogonum viscidulum</i> , Sticky buckwheat	J.T. Howell
<i>Frasera gypsicola</i> , Sunnyside green gentian	(Barneby) D.M. Post
<i>Grindelia fraxino-pratensis</i> , Ash Meadows gumplant	Reveal
<i>Ivesia kingii</i> var. <i>eremica</i> , Ash Meadows ivesia	(Coville) Ertter
<u><i>Ivesia webberi</i></u> , <i>Webber ivesia</i>	<i>A. Gray</i>
<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
<i>Phacelia inconspicua</i> , Obscure scorpion plant	E.L. Greene
<i>Polyctenium williamsiae</i> , Williams combleaf	Rollins
<i>Rorippa subumbellata</i> , Tahoe yellowcress	Rollins
<i>Spiranthes diluvialis</i> , Ute lady's tresses	Sheviak

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 will rely to the extent practicable upon the *International Code of Botanical Nomenclature (Saint Louis Code)*, 2000 edition, which is hereby adopted by reference, to describe the species and subspecies of native plants critically endangered and threatened with extinction. The publication may be purchased from Koeltz Scientific Books, P.O. Box 1360, D-61453 Königstein, Germany, for the price of \$52. The publication is also available, free of charge, from the International Association for Plant Taxonomy at the Internet address <http://www.bgbm.fu-berlin.de/iapt/nomenclature/code/default.htm>.