

PROPOSED REGULATION OF THE STATE FORESTER FIREWARDEN

LCB File No. R037-15

(This regulation was previously adopted as LCB File No. E003-15 and E004-15)
(This draft replaces the one posted July 2, 2015)

EXPLANATION—Matter in ***bold italic*** is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: Assembly Bill 163 of the 78th Session of the Nevada Legislature.

A REGULATION relating to Creation of Rangeland Fire Protection Associations and Formation and Approval by boards of county commissioners or NRS 474 Fire Districts ; specifying the type of entity that qualifies for the organization process ; requiring a process for Association formation; providing a process for approval of an association by a board of county commissioners or the State Forester Firewarden, or both in a cooperative process; providing for and delineating management structure and other requirements for an Association; requiring a minimum amount of liability insurance and providing for a review process for the possible adjustment of those minimums; establishing minimum qualifications and standards for Association members; authorizing and providing a process for a three-way agreement with the Division of Forestry, board of commissioners, and an Association; requiring compliance with operations and scope requirements in NAC bbb.bbb; detailing agreements that may be entered into with an NRS 474 Fire District; and other matters properly relating thereto.

RANGELAND FIRE PROTECTION ASSOCIATIONS (NAC aaa.aaa)

Section 1. Chapter aaa of NAC is hereby amended by adding thereto the provisions set forth as sections 2 through 6 of this regulation.

Sec. 2. *A Rangeland Fire Protection Association:*

- (a) May be formed by a business entity, cooperative, or any two or more persons who own, lease, produce agriculture or occupy property; and*
- (b) Must be established through a petition for approval to the respective board of county commissioners.*

Sec. 3. A Rangeland Fire Protection Association may receive petition approval from a board of county commissioners if the association:

(a) Meets the requirements established by the board of county commissioners for the creation, operation and duties of such an association, the requirements of which may be established by the board or designated to be the same as those found in this regulation; and

(b) Provides the board of county commissioners a copy of a written approval notice from the State Forester Firewarden that the proposed association meets all requirements found in NAC aaa.aaa and NAC bbb.bbb; and

(c) Satisfies evaluation by the board of county commissioners and the State Forester Firewarden, both at the time of approval, and annually thereafter, of the following:

(i) Adequate governance and management structure to include appointment of a chairperson to lead and govern meetings of the association; appointment of a Supervisor/Incident Commander and Assistant Supervisors as necessary; submittal of a delineated boundary map within which the association will operate.

(ii) Adequate liability insurance of no less than \$100,000, but in an amount determined annually through a consensus of board of county commissioners consultation with county risk management and State Forester Firewarden consultation with state risk management.

(iii) Satisfactory condition and maintenance of vehicles and equipment used by the association in carrying out its duties as determined through an initial, and thereafter annual, on-site inspection of vehicles and equipment by qualified staff of the State Forester Firewarden and review of applicable maintenance records.

(iv) Evaluation of training and qualifications of association members and the association's commitment to train, equip and deploy association members at a minimum

Firefighter II level as certified by their respective agency having jurisdiction based on training standards found in the National Wildland Fire Qualification System Guide, PM 310-1, or its successor should the guide be amended.

(d) A board of county commissioners may delegate, in writing, the performance of the entire evaluation to the State Forester Firewarden, who will report the results of the evaluation to the board.

(e) A board of county commissioners may enter into a three-way agreement with the Nevada Division of Forestry pursuant to NRS 472.060 and 472.070, and as a party to the division's authority to contract with a Rangeland Fire Protection Association to perform a government service, activity or undertaking pursuant to NRS 277.180. A Rangeland Fire

Sec. 4. Protection Association may enter into an annual contract with the Nevada Division of Forestry if it:

(a) Is a nonprofit unincorporated association or a nonprofit corporation formed for the purpose of protecting rangeland from wildfire.

(b) Has received approval of its formation petition by the respective board of county commissioners pursuant to Section 1 and 2 of this regulation.

(c) Complies with the additional scope and operational requirements of the Nevada Division of Forestry found in NAC bbb.bbb.

Sec. 5. A Rangeland Fire Protection Association, as defined in Section 1 of this regulation, may also petition a Fire District established pursuant to NRS 474 for approval of the formation of an association.

Sec. 6. A Rangeland Fire Protection Association within an NRS 474 Fire District differs from that established by a board of county commissioners as follows:

(a) The board of directors of a county fire protection district, as described in NRS 474.010 to 474.450, or the board of fire commissioners of the district, as described in NRS474.460, is the body that evaluates the criteria delineated in Sections 2 and 3 of this regulation prior to association approval.

(b) The board of directors of a county fire protection district, as described in NRS 474.010 to 474.450, or the board office commissioners of the district, as described in NRS474.460, may delegate, in writing, the performance of the evaluation to the State Forester Firewarden, who will report the results of the evaluation to the board.

(c) The board of directors of a county fire protection district, as described in NRS 474.010 to 474.450, or the board of fire commissioners of the district, as described in NRS474.460, pursuant to Assembly Bill 163 of the 78th session, Section 3.5 (2.), will receive recommendations from the State Forester Firewarden concerning formation, operation and training of members of a rangeland fire protection association, but are not bound in their approval process by the regulations found in sections 1 through 3 of this regulation.

(d) The board of directors of a county fire protection district, as described in NRS 474.010 to 474.450, or the board office commissioners of the district, as described in NRS474.460, may enter into a three way agreement with the Nevada Division of Forestry pursuant to NRS 472.060 and 472.070, and as a party to the division's authority to contract with a Rangeland Fire Protection Association to perform a government service, activity or undertaking pursuant to NRS 277.180.

(e) The specifics of the agreement will follow the criteria for establishment of Rangeland Fire Protection Associations by boards of county commissioners, but may vary as mutually

agreed to by all three parties, the NRS 474 Fire District, the Nevada Division of Forestry and the proposed Rangeland Fire Protection Association.

AUTHORITY: Assembly Bill 163 of the 78th Session of the Nevada Legislature.

A REGULATION relating to Operations, Scope and Requirements; requiring limits on the scope of a Rangeland Fire Protection Association's boundaries, membership, and engagement; providing for communication protocols; allowing mutual aid agreements; requiring as part of an interlocal contract certain requirements to be contained therein; and other matters properly relating thereto.

OPERATIONS, SCOPE AND REQUIREMENTS (NAC bbb.bbb)

Section 1. *Chapter bbb of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.*

Sec. 2. *The Nevada Division of Forestry will require a Rangeland Fire Protection Association to abide by the following limits of scope:*

(c) The members shall be derived from within a Rangeland Fire Protection Association's boundaries as the association was formed pursuant to NAC aaa.aaa.

(d) The association boundaries shall represent the common interests of the association's membership and be proportionate to the membership size.

(e) The association shall limit its engagement to initial attack functions; limit its response to areas clearly within the association boundaries, or to boundary fires within 1/2 mile of the association boundary or as further defined in the interlocal contract; and will be limited to no interior structure firefighting.

(f) The association may undertake an immediate suppression action for boundary fires on adjacent protection areas, but must communicate immediately with the adjacent protection agency and communicate fire occurrence and association involvement.

(g) The association may enter into mutual aid agreements with adjacent fire protection districts as appropriate and with notification to the Nevada Division of Forestry.

Sec. 3. *The Nevada Division of Forestry will require, as part of the Interlocal contract process, a Rangeland Fire Protection Association to:*

(a) Initially, and annually thereafter, provide a written list of association resources available to provide fire protection during the next calendar year, including information on the number of personnel and types and numbers of available equipment.

(b) Maintain workers compensation coverage for all personnel in accordance with NRS 616A-616D.

(c) Enforce proper use and maintenance of Personal Protective Equipment (PPE) at all times.

(d) Adhere to proper radio etiquette and an approved radio plan for all radio communications equipment; including that issued to the association by state or federal fire agencies.