



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 R140-23

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 Chapters 472 of the Nevada Administrative Code.

Date: Tuesday, March 5, 2024

Time: 9:00AM

Location: Nevada Division of Forestry Headquarters
Bryan Building, Bonnie Conference Room (1st Floor)
901 S. Stewart St.
Carson City, NV 89701

Virtual: https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZmNmY2Y0OTQtNzBjMi00NWM0LWE2MjAtYjRkNTBmNzg0N2Qw%40thread.v2/0?context=%7b%22Tid%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22Oid%22%3a%22e0647a3d-6dd5-47a1-82e7-a473aa7d69c6%22%7d

Meeting ID: 220 850 231 922

Passcode: P53QAC

Or call in (audio only): +1 775-321-6111,,529868659#

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 aims to repeal specific provisions in the Nevada Administrative Code (NAC) where the State Forester Firewarden no longer holds jurisdictional responsibility, as specified by Nevada Revised Statute (NRS). This repeal is intended to bring alignment between NAC and NRS.

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regulation is a temporary regulation, the terms or the substance of the proposed regulation to be adopted, amended or repealed, or a description of the subjects and issues involved.**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

NDF anticipates no adverse effects, either direct or indirect, on regulated businesses as the result of the regulation. There will be no direct or indirect cost to small businesses. Further, there are no anticipated benefits, either direct or indirect, for regulated businesses as the result of the regulation, as the regulation is housekeeping in nature.

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

NDF does not anticipate any immediate effects, either adverse or beneficial, on small businesses as a result of these regulations. NDF does not anticipate any long-term effects, either adverse or beneficial, on small businesses as a result of these regulations.

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

Pursuant to NRS 233B.0608, the proposed repeal of regulations is not likely to (a) impose a direct or significant economic burden upon a small business, or (b) directly restrict the formation, operation, or expansion of a small business. Therefore, comments have not been solicited from small businesses, and no summary of their response is provided, because small businesses are not impacted by these regulations and thus a burden or economic impact cannot be assessed.

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

NDF does not anticipate incurring any additional cost for these proposed permanent regulations.

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 and there is no equivalent 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 does not include provisions which are more stringent than a federal regulation that regulates the same activity.

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 March 4, 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>

Grant Sawyer Building, 555 E. Washington Ave, Las Vegas, NV 89101

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

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

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: January 29, 2024

**PROPOSED REGULATION OF THE
STATE FORESTER FIREWARDEN**

LCB File No. R140-23

January 16, 2024

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

AUTHORITY: § 1, NRS 472.040.

A REGULATION relating to fire retardant roofing; repealing certain provisions relating to fire retardant roofing materials; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Senate Bill No. 33 (S.B. 33) of the 2021 Legislative Session repealed provisions of existing law requiring the State Forester Firewarden to: (1) designate the boundaries of each fire-hazardous forested area within this State where fire retardant roofing materials are required to be used; and (2) adopt and enforce regulations relating to standards for fire retardant roofing materials to be used within the boundaries of such designated fire-hazardous forested areas. (Section 21 of Senate Bill No. 33, chapter 145, Statutes of Nevada 2021, at page 632) Consistent with the changes made by S.B. 33, this regulation repeals existing regulations designating the boundaries of such areas and establishing minimum standards for fire retardant roofing materials within such areas.

Section 1. NAC 472.020 and 472.030 are hereby repealed.

TEXT OF REPEALED SECTIONS

472.020 Areas in which required. (NRS 472.040)

1. The areas within Nevada where fire retardant roofing materials must be used are those areas marked on the master map on file with the State Forester Firewarden.

2. The areas designated principally lie within the following counties:

- (a) Carson City.
- (b) Washoe County.
- (c) Douglas County.
- (d) Clark County.
- (e) Storey County.

3. A copy of the map may be obtained by contacting the Division of Forestry of the State Department of Conservation and Natural Resources.

472.030 Fire retardant roofing materials: Minimum standards; wooden shakes or shingles not approved.

1. Except at otherwise provided in subsection 2, those fire retardant roof coverings which are delineated in paragraphs 1 to 10, inclusive, of subsection (e) of section 3203 of chapter 32 of the *Uniform Building Code*, 1985 edition, and the standards by which these are measured, being Standard No. 32-7 of the *Uniform Building Code Standards*, 1985 edition, are hereby adopted by the State Forester Firewarden as minimum standards for fire retardant roofing materials.

2. Roof coverings consisting of shakes or shingles made of wood are not approved as fire retardant roofing materials.

3. A copy of these standards may be obtained from the Division of Forestry of the State Department of Conservation and Natural Resources at 201 South Fall Street, Carson City, Nevada 89710, for a cost of \$2.



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STATE OF NEVADA
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PUBLIC ADOPTION HEARING AGENDA LCB File No. R140-23

TUESDAY, MARCH 5, 2024 at 9:00AM

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

Teleconference Access Information

https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZmNmY2Y0OTQtNzBIMi00NWM0LWE2MjAtYjRkNTBmNzg0N2Qw%40thread.v2/0?context=%7b%22Tid%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22Oid%22%3a%22e0647a3d-6dd5-47a1-82e7-a473aa7d69c6%22%7d

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1. CALL TO ORDER

2. PUBLIC COMMENT

Persons making comment will be asked to begin by stating and spelling their name for the record. 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 No. R140-23

A regulation repealing sections of NAC where the State Forester Firewarden no longer has jurisdictional responsibility consistent with Nevada Revised Statute.

4. ADOPTION OF PROPOSED REGULATION LCB File R140-23 (FOR POSSIBLE ACTION)

5. PUBLIC COMMENT

Persons making comment will be asked to begin by stating and spelling their name for the record. 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

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

Grant Sawyer Building, 555 E. Washington Ave, Las Vegas, Nevada

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

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

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

Notice of this meeting was also posted to the Division website at

[https://forestry.nv.gov/happening now](https://forestry.nv.gov/happening_now), 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 NDF Website.