



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: R140-23

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 regulation is needed to align Nevada Administrative Code (NAC) with Nevada Revised Statutes (NRS). The regulation repeals specific provisions in NAC where the State Forester Firewarden no longer holds jurisdictional responsibility, as specified in NRS. In 2021, the Legislature passed Senate Bill 33 which removed the State Forester Firewarden’s authority to enforce regulations relating to the reduction of brush, dense undergrowth, and other vegetation around and adjacent to a structure that is in a fire-hazardous forested area.

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 December 19, 2023, to solicit public comment from interested parties. There were no participants during the public workshop. A final adoption public hearing was held on March 5, 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 March 5, 2024.

b. Testified at each hearing:

No person from the public testified the public hearing on March 5, 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.

The Division determined that there was no impact on small businesses with the repeal of these regulations, therefore comments were not solicited from small businesses.

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: Pursuant to NRS 233B.060, the proposed regulation repeal is not likely to impose an adverse or beneficial effect upon a small business.
- On the public: NDF anticipates that repealing this regulation will enhance clarity by aligning regulations with existing law.

b. Both immediate and long-term effects.

- On business: There are no immediate or long-term effects as a result of repealing these regulations, as businesses are not impacted by this regulation.
- On the public: While no immediate effects on the public are anticipated, the long-term impact of repealing these regulations is expected to be positive. Aligning the regulations with the law will ultimately reduce confusion and promote clarity over time.

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.