

Chapter 472 of NAC

**EMERGENCY REGULATION OF THE
STATE FORESTER FIREWARDEN**

LCB File No. E004-15

(Effective for 120 days after June 23, 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 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:*

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

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

(c) 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.

(d) 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.

(e) 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.

STATEMENT OF EMERGENCY

JUSTIFICATION:

The State of Nevada is facing a potentially high activity fire season due to drought conditions and the Nevada Division of Forestry is attempting to create options to lessen the severity of wildfires. Assembly Bill 163 of the 78th Session amended NRS 472, enabling the creation of Rangeland Fire Protection Associations (RFPAs). The bill was signed into law by Governor Brian Sandoval on June 4, 2015.

BACKGROUND:

The RFPA program is strictly voluntary by the public and enables remotely located residents to be trained, equipped and respond to wildland fires with the intent to control wildland fires at their smallest size through quick mitigation. This is a collaborative process between federal, state and local fire agencies. The RFPA model is proven in other States and will become a highly valuable asset to fire departments at all levels of government and in all jurisdictions.

PROPOSED:

Assembly Bill 163 became effective June 4, 2015, “for the purposes of adopting regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act and for all other purposes, on the earlier of January 1, 2016, or the date on which the State Forester Firewarden adopts a temporary regulation, and emergency regulation or a permanent regulation pursuant to chapter 233B of NRS and section 3.5 of this act concerning the formation, operation, and training of the members of a rangeland fire protection association.”

Parallel to this request for endorsement of emergency regulations, the Nevada Division of Forestry is completing the process for adoption of Permanent Regulations; however, due to the impending high activity of this year's fire season, this request will accelerate RFPA implementation.

ENDORSEMENT REQUEST:

Therefore, for the above reasons, I respectfully request the Governor of the State of Nevada endorse this Statement of Emergency allowing the Nevada Division of Forestry to implement AB163 Rangeland Fire Protection Associations upon signature.

/s/
Robert Roper
Nevada State Forester Firewarden

/s/
Brian Sandoval
Governor

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS
REQUIRED BY
ADMINISTRATIVE PROCEDURE ACT, NRS 233b.0613 INFORMATIONAL
STATEMENT**

1. A clear and concise explanation of the need for the adopted regulation.

The State of Nevada is facing a potentially high activity fire season due to drought conditions and the Nevada Division of Forestry is attempting to create options to lessen the severity of wildfires. Assembly Bill 163 of the 7th session amended NRS 472, enabling the creation of Rangeland Fire Protection Associations {RFPAs) and was signed into law by Governor Brian Sandoval on June 4, 2015.

The RFPA program is strictly voluntary by the public and enables remotely located residents to be trained, equipped and respond to wildland fires with the intent to control wildland fires at their smallest size through quick mitigation. This is a collaborative process between federal, state and local fire agencies. The RFPA model has proven successful in other States, and will become a highly valuable asset to all government fire departments.

2. A description of how public comment was solicited, a summary of public response, and explanation how other interested persons may obtain a copy of the summary.

N/A

3. 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.

N/A

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

Regulation was adopted without change.

5. The estimated economic effect of the regulation on the business which it is to regulate and on the public.

a. Estimate economic effect on the businesses which they are to regulate:

None, the RFPA program is strictly voluntary.

b. Estimated economic effect on the public which they are to regulate:

No impact to public. Federal fire agencies will provide training and equipment at no charge to the RFPA.

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

There is no additional cost.

7. A description of any regulation 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.

None.

8. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provision.

N/A

9. If the regulation provides a new fee or increases an existing fee, a statement indicating the total annual amount the agency expects to collect and the manner in which the money will be used.

None.

10. Is the proposed regulation likely to impose a direct and significant economic burden upon small business or directly restrict the formation, operation or expansion of a small business? What methods did the agency use in determining the impact of the regulation on a small business?

None, the RFPA program is strictly voluntary.