



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

NOTICE OF WORKSHOP

To Solicit Comments on Proposed Permanent Regulations

To: To All Interested Parties
From: Bob Roper, State Forester Firewarden
Date: June 25, 2015
Re: Workshop on Proposed Regulations

Pertaining to AB163 of the 78th Session of Nevada Legislature, which amends NRS 472, the Department of Conservation and Natural Resources, Nevada Division of Forestry (NDF), will hold a workshop with regard to the adoption of permanent regulations related to the formation of Rangeland Fire Protection Associations within the State of Nevada and regulations related to the operations, scope and requirements of Rangeland Fire Protection Associations within the State of Nevada. NDF will hold the workshop to receive comments as follows:

Date and Time of Meeting: Thursday, July 16, 2015, 3:00pm to 5:00pm

Place of Meeting: Richard H. Bryan Building
DCNR Director's Conference Room, 1st Floor
901 S. Stewart Street
Carson City, NV 89701

Teleconference Number 775-684-4311
Access Code 797264

Written comments must be received no later than July 16, 2015 at 5 p.m.

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify our office by writing to 2478 Fairview Dr., Carson City, NV 89701 or by calling (775) 684-2500 no later than two (2) working days prior to the scheduled meeting.

A copy of all materials relating to the proposal may be obtained at the workshop or by contacting NDF at 2478 Fairview Drive, Carson City, NV 89701, or Bob Roper, State Forester Firewarden at (775) 684-2501 for questions about the workshop.

Notice of this meeting was posted in the following Carson City, Nevada locations: Nevada Division of Forestry, 2478 Fairview Dr., Department of Conservation and Natural Resources, 901 S Stewart St; Legislative Building, 401 South Carson Street; Nevada State Library, 100 Stewart Street and the Capitol Building, 101 North Carson Street.

Notice of this meeting was posted on the Internet at the following locations:
Department of Conservation and Natural Resources Nevada Division of Forestry website at: <http://forestry.nv.gov/>
Nevada Public Notice at: www.notice.nv.gov
Nevada Legislative Counsel Bureau Nevada State Legislature at: www.leg.state.nv.us

BRIAN SANDOVAL
Governor

LEO DROZDOFF, P.E., *Director*
Department of Conservation and Natural Resources



BOB ROPER
State Forester/Firewarden

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Workshop for Rangeland Fire Protection Associations (RFPA)

Thursday, July 16, 2015

Richard H. Bryan Building, DCNR Director's Conference Room – 1st Floor

901 South Stewart Street

Carson City, NV 89701

Conference Call 775-684-4311, PIN: 797264

AGENDA

- I. Welcome
- II. Purpose of Workshop
 - i. Next Steps
 - ii. Timelines
- III. Overview of RFPAs
 - i. Definition & Need
 - ii. Legislation AB 163
 - iii. Emergency Regulations
 - iv. Draft Agreement
 - v. RFPA Checklist
- IV. Discussion Regarding Proposed Amendments
- V. Public Comments
- VI. Questions
- VII. Adjournment

**PROPOSED REGULATION OF THE DIVISION OF FORESTRY, IN THE
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES**

LCB File No. Exxx-15

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 of fire 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 of fire 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.

(i) 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.

**PROPOSED REGULATION OF THE DIVISION OF FORESTRY, IN THE
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES**

LCB File No. Exxx-15

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 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 ½ 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.