

## **Section 8: Environmental Regulations and Compliance**

All individual projects designed to reduce fuel hazards that are proposed by public agencies, funded by public agencies, or that require federal, state, local, or local discretionary approval will be subject to federal, state, or regional environmental regulations.

### **National Policies and Regulations**

Several national policies and regulations guide wildland fire management. They include the National Fire Plan, 10-Year Comprehensive Strategy (USDI and USDA 2001); National Fire Plan 10-Year Comprehensive Strategy Implementation Plan (USDI and USDA 2002); Federal Wildland Fire Policy (USDI et al. 1995 [updated 2001]); Healthy Forests Restoration Act (2003); and Protecting People and Natural Resources: A Cohesive Fuels Treatment Strategy (USDI and USDA 2006). This plan is consistent with all of these policies and regulations, which are described below. In addition, all projects on National Forest System lands will need to be compliant with other federal laws and regulations such as the Endangered Species Act, the Clean Water Act, and the National Forest Management Act, Historic Preservation Act (NHPA), 1966, as amended (P.L. 89-665, 80 Stat.915); the National Environmental Protection Act (1969), the Archaeological Resources Protection Act of 1979 (ARPA), the Native American Grave Protection and Repatriation Act (1990: P.L. 101-601), and the American Indian Religious Freedom Act (1978: P.L. 95-341).

#### ***The National Fire Plan and 10-Year Comprehensive Strategy***

The National Fire Plan was developed by the U.S. Department of the Interior and U.S. Department of Agriculture in 2000 to actively respond to severe wildland fires and their impacts to communities while ensuring sufficient firefighting capacity for the future. It provided direction for the identification of “communities at risk”, which are located in the vicinity of federal lands where wildland fires have the potential to threaten adjacent private lands. Identifying communities at risk has assisted planning for fuel reduction projects on federal lands and increased awareness of wildfire threats in those communities.

#### ***National Environmental Policy Act***

All fuel reduction projects funded by the federal government that occur on federal land (such as National Forest land), or require a federal agency to issue a permit, must comply with the National Environmental Policy Act (NEPA). The Act requires agencies to prepare environmental impact statements (EISs), environmental assessments (EAs), or categorical exclusions (CEs) to evaluate potential impacts of proposed projects on the quality of the human environment.

### *The Healthy Forest Restoration Act (H.R. 1904, December 2003)*

The Healthy Forest Restoration Act (HFRA) simplified the NEPA process by limiting the range of alternatives that are required to be considered in an environmental document that involves fuel reduction or forest health projects designed to protect communities, watersheds, or endangered or threatened species from wildfire. HFRA also changed the USDA Forest Service administrative appeal process for NEPA decisions to a simpler objection process.

HFRA allows communities to designate their wildland-urban interface; authorizes fuel reduction projects on federal lands in the wildland-urban interface; requires federal agencies to consider recommendations made by communities at risk that have developed community wildfire protection plans, and gives funding priority to communities that have adopted community wildfire protection plans. EAs and EISs documenting HFRA-authorized projects may consider only one action alternative if that alternative meets certain wildland-urban interface criteria and implements the general actions of an applicable community wildfire protection plan.

## Regional Policies and Regulations

### *Toiyabe National Forest Land Management Plan*

All management activities conducted by the Carson Ranger District are governed by the Toiyabe National Forest Land and Resource Management Plan (USDA Forest Service 1986, as amended by the Sierra Nevada Forests Plan Amendment (SNFPA SEIS 2004). The plan recognized the excessive buildup of fuel hazards in the Sierra Nevada Mountains and established that the highest priority for fuels treatments would be in the wildland-urban interface areas.

### *Nevada Division of Forestry NRS 528*

NRS 528 regulates forest practices and reforestation on private and state lands in Nevada.

### *Nevada Revised Statutes 472.041 and Carson City Municipal Code, Title 14, Chapter 14.02*

NRS 472.041 is the enforcement of certain provisions of Uniform Fire Code regarding clearance of vegetation around structures. The Carson City Municipal Code T14 C14.02 relates to the establishment of defensible space and fuels reduction programs. It should be noted that enforcement of these provisions can only be accomplished to the extent that funding and manpower of responsible agencies allow.

## Agency Regulatory Responsibility

Several land management and regulatory agencies are responsible for complying with and enforcing regulations in the planning area. They include the USDA Forest Service Humboldt-

Toiyabe National Forest, Nevada Division of Forestry, local Fire Protection Districts, and the Tahoe Regional office of the Nevada Fire Safe Council.

### *Land Management Agencies*

#### **USDA Forest Service, Humboldt-Toiyabe National Forest, Carson Ranger District**

The USDA Forest Service's Carson Ranger District is responsible for managing approximately 45 percent of the land base and its resources in the planning area. All management activities conducted by the district are governed by the Humboldt-Toiyabe Land and Resource Management Plan (USDA Forest Service 1986, as amended by the Sierra Nevada Forests Plan Amendment [SNFPA SEIS 2004]).

#### **Washoe Tribe of Nevada and California**

The Washoe Tribe of Nevada and California has 2,640 acres on the east slope of the Sierra Nevada Mountain Range. These lands include two perennial fresh water streams and the Carson River. The vegetation ranges from mixed-conifer forest types, shrublands, wetlands, riparian habitat and grass rangelands. The lands provide critical deer habitat, blue heron rookery, Western pond turtles, bald eagles, and golden eagles, along with other raptors that frequent these lands. The Carson Indian Colony is in the wildland-urban interface. The Washoe Tribe has regulatory and administrative responsibilities over all its lands. The Comprehensive Land Use Plan, Forest Management Plan, and the Title 17-Environmental Codes are used as management, guidance and compliance documents.

#### **Nevada Division of Forestry**

The Nevada Division of Forestry manages all forestry, nursery, endangered plant species, and watershed resource activities on certain public and private lands within the Range. The Division also provides fire protection of structural and natural resources through fire suppression and prevention programs and other emergency services. The Nevada Division of Forestry is responsible for enforcing Nevada Revised Statutes (NRS) 528.

The Nevada Tahoe Resource Team, an interagency team within the Department of Conservation and Natural Resources, is responsible for implementing forest health and fuel reduction projects on State of Nevada property in the Carson Range planning area.

#### **Nevada Division of State Parks**

The Nevada Division of State Parks administers and manages the Lake Tahoe Nevada State Park, which includes beaches, fishing, and camping, and over 13,000 acres of backcountry recreation. Approximately 7,000 acres of the park are located on the east slope of the Carson Range. State Parks, in conjunction with the Nevada Tahoe Resource Team and the Nevada Division of

Forestry, has prepared a plan to reduce fuel hazards and restore forest health in the Carson Range portion of the park.

### Nevada Division of State Lands

Nevada Division of State Lands manages urban parcels in the Carson Range. These are managed by Nevada Tahoe Resource Team (see Nevada Division of Forestry above). The urban parcels are managed by the State Lands forester and a seasonal forester. These parcels are managed in accordance with Nevada Laws on Forestry and Fire, Nevada Revised Statutes 472, 527 and 528, which pertain to establishing a healthy forest and watershed protection of trees and flora by recognizing implemented forest practices.

### *Regulatory Agencies*

#### Nevada Department of Environmental Protection

Nevada Department of Environmental Protection plays a role in air and water quality in the Carson Range. Land management agencies are required to apply for a burn permit when burning in Douglas County. In addition, the Washoe County District Health Department is involved with the burn permit process in the Washoe County. MOUs with these agencies require Nevada land management agencies to follow their guidelines and regulations in smoke management.

## Section 9: Public Education and Wildfire Prevention Plans

**Fire Prevention Plans:** To various extents, each cooperating agency has developed a wildfire prevention plan. For example, the USDA Forest Service has developed a comprehensive prevention plan that focuses on education, detection, engineering, and enforcement. This plan details patrolling, media outreach, public education, and annual public events that the Forest actively supports. The plan is currently implemented by a dedicated prevention staff that includes three fire prevention technicians and a fire management staff.

**One-on-One Contacts:** All of the local fire agencies and the Nevada Fire Safe Council provide staff that meets with individual residents during defensible space inspections and during subsequent clearing operations. While these contacts are time consuming and inefficient, they may be the most effective because they are focused and result in the desired effect. Additionally, these organizations also provide free literature to residents, with the most common being, “Living with Fire – A Guide for the Homeowner”. This handout was developed by the University of Nevada Cooperative Extension, with more than two million copies printed.

**Community Events:** All of the federal, state, and local agencies participate in demonstrations and community events, including several sponsored by the Nevada Fire Safe Council, which developed and nurtured Fire Safe Chapters in individual communities throughout the Carson Range. These chapters are instrumental in encouraging individuals in those

communities to actively participate in defensible space clearing and establishing fuelbreaks adjacent to communities. They have also sponsored free barbeques in 3 to 4 communities to encourage residents to learn how defensible space should be developed. The Nevada Fire Safe Council also developed and mailed over 7,000 flyers announcing three regional demonstrations. These demonstrations occur in selected neighborhoods, where hands-on demonstrations of defensible-space clearing are discussed and performed by staff. In addition, communities such as Carson City, own dumpsters and trailers available to residents that want to clear vegetative fuels from around their homes.

**Websites and Public Service Announcements:** The majority of the local fire agencies and Nevada Fire Safe Council host websites that offer extensive information on defensible space inspections, defensible space requirements, free chipping services to dispose of hazardous fuels, and links to other sources of information. The most common link is to <http://www.livingwithfire.info>, a multi-agency sponsored website that provides extensive information on what residents should do before, during, and after a wildland fire. All of the agencies also support and participate in public service announcements that focus on defensible space requirements and public safety.