

This Section provides an overview of the Disaster Mitigation Act of 2000 (DMA 2000; Public Law 106-390), the adoption of the *Nevada Standard Hazard Mitigation Plan* (Nevada HMP) by the State of Nevada, and assurances to amend the Nevada HMP to reflect changes in federal laws and regulations. *There was a minor change in NRS 353 due to the Legislative session in 2013.*

1.1 DISASTER MITIGATION ACT OF 2000

The DMA 2000 was passed by Congress to emphasize the need for mitigation planning to reduce vulnerability to natural and human-caused hazards. The DMA 2000 amended the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act; 42 United States Code [USC] 5121 et seq.) by repealing the act's previous Mitigation Planning Section (409) and replacing it with a new Mitigation Planning Section (322).

To implement the DMA 2000 planning requirements, the Federal Emergency Management Agency (FEMA) published an Interim Final Rule in the *Federal Register* on February 26, 2002 (FEMA 2002a). This rule (44 code of Federal Regulations [CFR] part 201) established the mitigation planning requirements for states, tribes, and local communities. The planning requirements are described in detail in Section 2 and identified in their appropriate sections throughout the plan.

1.2 PLAN ADOPTION PROCEDURES

The requirements for the adoption of the Nevada HMP by the State of Nevada, as stipulated in the DMA 2000 and its implementing regulations, are described below.

DMA 2000 REQUIREMENTS: PREREQUISITES

Adoption by the State

Requirement §201.4(c)(6): The plan **must** be formally adopted by the State prior to submittal to [FEMA] for final review and approval.

Requirement §201.4(c)(7): The plan **must** include assurances that the State will comply with all applicable Federal statutes and regulations in effect with respect to the periods for which it receives grant funding, in compliance with 44 CFR 13.11(c). The State will amend its plan whenever necessary to reflect changes in State or Federal laws and statutes as required in 44 CFR 13.11(d).

Element

Has the State formally adopted the plan?

Does the plan provide assurances that the State will **continue to** comply with all applicable Federal statutes and regulations during the periods for which it receives grant funding, in compliance with 44 CFR 13.11(c), and will amend its plan whenever necessary to reflect changes in the State or Federal laws and statutes as required in 44 CFR 13.11(d)?

Source: FEMA, Standard State Hazard Mitigation Plan Review Crosswalk 2008

Upon completion, the Nevada Hazard Mitigation Planning Committee (NHMPC) will forward the plan to FEMA for final approval through the Division of Emergency Management. The Governor of the State of Nevada will adopt the plan upon

approval by FEMA. The Nevada Division of Emergency Management (NDEM) will immediately forward the adoption documentation to FEMA. The Governor's adoption resolution for the 2010 plan is in Appendix A. A similar document will be prepared and completed to adopt the 2013 plan.

The Nevada HMP meets the requirements of Section 409 of the Stafford Act and Section 322 of the DMA 2000. This includes meeting the requirement that the Nevada HMP is adopted by the State. The State plan was prepared by the Nevada Hazard Mitigation Planning Committee with participation from various State and Local agencies, and other organizations listed in Appendix B.

1.2.1 State Authority

The Governor of the State of Nevada has broad powers over emergency management within the State of Nevada under Chapter 414 of the Nevada Revised Statutes (NRS). Under these powers he has the obligation to ensure that an emergency management plan is prepared for the entire State, to ensure its proper implementation and to ensure compliance with all State and Federal laws pertaining to emergency management, which would include mitigation issues. The Nevada Division of Emergency Management is the lead agency for compliance and implementation.

1.2.2 Nevada Revised Statutes (NRS)

The Nevada Revised Statutes (NRS) are the current codified laws of the State of Nevada and are a compilation of all legislation passed by the Nevada Legislature. In NRS 220.110, the Nevada Revised Statutes shall contain the following items:

- The Constitution of the United States.
- The Constitution of the State of Nevada.
- The laws of this state of general application.
- A full and accurate index of the statute laws.
- Such annotations, historical notes, Supreme Court and district court rules, and other information as the Legislative Counsel deems appropriate to include.

[Part 2:304:1951; A 1953, 388]—(NRS A 1963, 1022; 1969, 12)

Table 1-1 below provides a summary of information on specific statutes that promote hazard mitigation on the state level. These statutes can be found at the following link <http://www.leg.state.nv.us/NRS/Index.cfm>.

Table 1-1. Summary of NRS Statutes Pertaining to Hazard Mitigation

NRS Statute	Summary
NRS Chapter 205	This chapter is titled "Crimes Against Property," which includes arson.
NRS Chapter 206	Chapter 206 is titled "Malicious Mischief," and includes crimes to public and private property.
NRS Chapter 239C & NRS Section 239C.010	Chapter 239C is Nevada's Homeland Security legislation which provides plans to respond to terrorism and related emergencies. Also, it promotes statewide preparations for acts of cyber-terrorism, environmental catastrophes, and other related incidents.
NRS Chapter 268 & NRS Section 268.012	This Chapter and section give the cities of the State authority to adopt uniform building, plumbing and electrical codes.
NRS Chapter 278 & NRS Section 278.02521	This Chapter, provides direction in land use planning for the protection of environmentally sensitive areas and development where there are sufficient resources and water to accommodate such development and to promote the efficient use of land in urban areas along with conversion of rural lands to other uses as appropriate.
NRS Section 278.580(16)(a)	This Section mandates that a governing body shall amend its building codes to include seismic provision of the International Building Code and the standards for the investigation of hazards relating to seismic activity including, without limitation, potential surface ruptures and liquefaction.
NRS Section 321.5977	This Chapter provides objectives in administering Public lands under NRS Chapter 321 – State Public Lands.
NRS Sections 321.640 – 321.770	NRS Sections 321.650 through 321.770 contain State land use planning – laws to govern growth and use of lands which could impact emergencies.
NRS Chapter 322	This Chapter provides direction in the Use of State Lands – those lands that belong to the State and the governing of them.
NRS Chapter 323	This Chapter is the State of Nevada's adoption of the "Taylor Grazing Act" which facilitates that law within our State.
NRS Chapter 324	This Chapter is the State of Nevada's adoption of the principles in the "Carey Act" – which regulates the use of water, particular the capturing of water in dams, for irrigation and the reclamation aspects of such water projects as governed by the Bureau of Land Management.
NRS Chapter 341 & NRS Section 341.087	Chapter 341 pertains to the construction of state facilities. The Legislature has also mandated the state Public Works Board to adopt the seismic provisions of the International Building Code and the standards for the investigation of hazards relating to seismic activity, including, without limitation, potential surface ruptures and liquefaction.

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NRS Statute	Summary
NRS Section 353.2735	Chapter 353 creates and administers the Disaster Relief Account. The account is used to stabilize the operation of the State Government, including local jurisdictions, from an emergency/disaster.
NRS Sections 410.095 - 410.210	NRS Sections 410.095 through 410.210 contain the regulation and restriction of landfills, garbage dumps and junkyards.
NRS Section 414.040	Under this Chapter, the Chief of the Division of Emergency Management has the authority and power to develop an integrated process for the mitigation of, response to and recovery from emergencies or disasters through the various governmental agencies, business and industry, volunteer organizations and any other interested parties.
NRS Section 414.060(3)b	The Governor may prepare a comprehensive state emergency management plan and develop a program for emergency management in this state to be integrated into and coordinated with the plans of the Federal Government and of other states for emergency management to the fullest possible extent, and coordinate the preparation of plans and programs for emergency management by the political subdivisions of this state to be integrated into and coordinated with the plan and program of this state to the fullest possible extent.
NRS Section 414.135	The Section describes the Emergency Assistance Account. This account is to provide supplemental emergency assistance to the State of Nevada or to its local governments impacted by an emergency and/or disaster.
NRS Chapter 415	This Chapter contains the Emergency Management Assistance Compact. "The purpose of this Compact is to provide for mutual assistance between the States entering into this Compact in managing any emergency or disaster that is duly declared by the Governor of the affected State(s), whether arising from natural disaster, technological hazard, man-made disaster, civil emergency aspects of resources shortages, community disorders, insurgency, or enemy attack." It also provides for mutual cooperation in emergency exercises, testing, and training.

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NRS Chapter 416	This Chapter is about Emergencies Concerning Water or Energy. In NRS Section 416.010, “the purpose of this chapter is to meet effectively water and energy emergencies by providing for conservation, efficient utilization, production and allocation of water and energy in ways which will: 1. Carry out as necessary, national water and energy policies under federal water and energy laws; 2. Maintain vital services necessary for the peace, health, safety and welfare of the people of this state; 3. Promote the most efficient use of water and energy; 4. Lessen adverse impacts upon employment in and the economy and environment of this state; 5. Ensure to the extent reasonably possible equitable treatment of all regions of the State and all sectors of the economy, consistent with other necessary considerations; and 6. Promote and protect the interests of this state in the course of decisions to be made and actions to be taken under federal water and energy laws.(Added to NRS by 1977, 548)”
NRS Chapter 441A	This Section deals with Communicable Diseases (a disease which is caused by a specific infectious agent or its toxic products, and which can be transmitted, either directly or indirectly, from a reservoir of infectious agents to a susceptible host organism), Emergency Quarantine of humans, and Enforcement of quarantines.
NRS Chapter 444A	This Chapter contains programs for recycling and the regulation of disposal of solid waste and other waste.
NRS Chapter 445A	This Chapter contains Water Controls – laws to protect the Lake Tahoe Watershed, to prevent water pollution and to regulate the fluoridation of water supplies.
NRS Chapter 445B	This Chapter deals with Air Pollution – laws for control of and administration of all aspects of prevention of air pollution – the creation of the State Environmental Commission.
NRS Chapter 445C	This Chapter contains environmental requirements, penalties for violations and the administration and enforcement of such requirements.
NRS Chapter 445D	This Chapter contains environmental covenants that attach to real property – governed by the Nevada Department of Natural Resources and Conservation
NRS Chapter 455	This Chapter contains the control and restriction of excavations and high voltage lines.
NRS Section 459	This Chapter contains the Western Interstate Nuclear Compact, of which Nevada is a member State. It provides for the development of nuclear related fields for economic development of the Western States with provisions for the cooperation of party states in the response to and mitigation of a nuclear incident in any of the member states and to recommend changes to laws, regulations, ordinances, administrative procedures and practices to facilitate safe and secure usage of nuclear technologies.

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NRS Statute	Summary
NRS Sections 459.010-370	The Nevada Legislature in NRS 459.001 adopted the Rocky Mountain Low-Level Radioactive Waste Compact making Nevada a participating state in this compact. It provides for the safe management of low-level radioactive waste material generated within the party states through appropriate laws within the compact.
NRS Sections 459.0085- 0098	NRS Sections 459.0085 through 459.0098 contain the creation, duties, and powers of the Committee on High-Level Radioactive Waste. These sections empower the Committee to study and evaluate: 1. Information and policies regarding the location in the State of Nevada of a facility for the disposal of high-level radioactive waste; 2. Any potentially adverse effects from the construction and operation of a facility and the ways of mitigating those effects; and 3. Any other policies relating to the disposal of high-level radioactive waste.
NRS Sections 459.380-930	The remainder of Chapter 459 of the NRS (Sections 459.380 through 459.930) provides for the regulation of, storage of and transportation of hazardous materials within the State. These laws provide for the response to, the mitigation of and recovery from hazardous material releases.
NRS Section 461.170	The Nevada Legislature has adopted by statute, for the purposes of manufactured buildings, the Uniform Housing Code, the Uniform Building Code, the Uniform Plumbing Code, Dangerous Building, the Uniform Building Code Standards and the American National Standards Institute Standard No. A117.1.
NRS Chapter 472	This Chapter gives the State Forester Fire Warden authority over the development of, mitigation of and prevention of fires within the state's forested areas by establishing fire control districts, adopting and enforcing regulations regarding standards for fire retardant roofing and administering monies appropriated and grants awarded for fire prevention, control and the education of fire personnel for these purposes. Establishment and preservation of forest and vegetation cover in forest and watershed.
NRS Chapter 475	This Chapter entitled "Crimes and Responsibilities Concerning Fires" details penalties for neglecting or causing fires on one's own property or the property of another.
NRS Chapter 476	This Chapter entitled "Explosives and Inflammable Materials" details the penalties for misuse of these materials.

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NRS Statute	Summary
NRS Chapter 477	This Chapter of the NRS governs the State Fire Marshal's Office and its duties and powers. These laws provide for the proper regulation of and enforcement of existing laws which govern the prevention of, mitigation of and recovery from fires within this State. Particularly, the State Fire Marshal makes recommendations for changes to building codes and existing structures to ensure fire safety.
NRS Chapter 486A	This Chapter provides provisions for alternative fuels and clean-burning fuels.
NRS Chapter 506	This Chapter is the Wildlife Violator Compact – a compact among the states to aid wildlife management as a trust by the state for all residents and visitors.
NRS Section 514.040(3)	The Nevada Bureau of Mines and Geology, established by the Legislature and given as one of its duties: “. . . to apply geologic engineering principles to problems of conservation, environment, construction, mineral industry and other scientific matters that may be of importance to the welfare of the State.”
NRS Chapter 519A	This chapter governs the reclamation of land subject to mining operations and exploration projects.
NRS Sections 522.039-522.040	Sections 522.039 and 522.049 regulate oil and gas drilling to prevent waste.
NRS Chapter 527	This Chapter titled "Protection and Preservation of Timbered Lands, Trees and Flora" describes the protection and preservation measures for Nevada's trees and flora. Also, it describes measures taken for controlled burns.
NRS Chapter 528	This Chapter regulates forest practice and reforestation.
NRS Chapter 534	This Chapter regulates underground water and depletion of aquifers.
NRS Section 535.030	This section covers dam inspections and the State Engineer's powers to protect life and property by lowering the water level in the reservoir, emptying the reservoir, or any other step to essential to safeguarding life and property.
NRS Chapters 540 - 540A	Chapters 540 and 540A provide planning and development of water resources and the regional planning and management of water resources.
NRS Chapter 541	This Chapter creates Water Conservancy Districts for wise water management.
NRS Chapter 543 & NRS Section 543.020	This Chapter is dedicated to flood control. The declaration of the policy being adopted states: “It is hereby declared to be the policy of the State of Nevada to cooperate with the United States and its departments and agencies, and with the counties, cities and public districts of the State, in preventing loss of life and property, disruption of commerce, interruption of transportation and communication and waste of water resulting from floods, and in furthering the conservation, development, utilization and disposal of water.”
NRS Chapter 548	This Chapter regulates agricultural lands to preserve and conserve the natural resources of this State.

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NRS Statute	Summary
NRS Chapter 555	This Chapter provides the Director of the Department of Agriculture with the powers to control insects, pests and noxious weeds.
NRS Chapter 568	This Chapter regulates the grazing and ranging of lands within the State of Nevada.
NRS Chapter 571	This Chapter defines the State Quarantine Officer and provides the Officer power to proclaim and enforce quarantine. This Chapter also adopts the rules and regulations of the federal Secretary of Agriculture relating to control and suppression of disease in animals.
NRS Chapter 701	This Chapter provides for the Office of Energy (under the Governor), which regulates energy resources and energy conservation and encourages renewable energy.
NRS Chapters 703 – 704	Chapters 703 and 704 provide for the regulation of public utilities by the Public Utilities Commission.
NRS Section 708.120	This Section authorizes the Public Utilities Commission to regulate oil pipelines to prevent waste and dangerous operations.

1.2.3 Legislative Process

The Nevada Legislature meets every odd number year for approximately six months. During this period NHMPC may support hazard mitigation-related legislation presented by state agencies, private non-profits, businesses and or local jurisdictions. NHMPC can also present new or modifications to existing hazard mitigation-related legislation. Any revisions or additions will be recorded in this Section of the NHMP during its revision period. During the 2013 Legislative session, Senate Bill 44 clarified language for the Disaster Relief Account currently found in Chapter 352 of the Nevada Revised Statutes.

1.2.4 Assurances to Comply with Federal Laws and Regulations

Through the development and enforcement of this plan, the assurances listed in Appendix I are provided as documentation that the state or any subsequent sub-grantee will continue to comply with all applicable Federal statutes and regulations during the periods for which it receives grant funding, in compliance with 44 CFR 13.11(c), and will amend its plan whenever necessary to reflect changes in State or Federal laws and statutes as required in 44 CFR 13.11(d).