

## Burgos, Alexander N

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**Subject:** FW: 14B NCAC 03 Requests for Changes - January 2023 RRC  
**Attachments:** 14B NCAC 03 .0409 final.docx

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**From:** Polk, Will (CCPS) <Will.Polk@ncdps.gov>  
**Sent:** Tuesday, March 14, 2023 10:34 AM  
**To:** Liebman, Brian R <brian.liebman@oah.nc.gov>  
**Cc:** McDonald, Margaret (CCPS) <margaret.mcdonald@ncdps.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Barnes, Brian (NCEM) <Brian.Barnes@ncdps.gov>  
**Subject:** RE: 14B NCAC 03 Requests for Changes - January 2023 RRC

Good morning Brian,

Thank you for the time yesterday. Here is the revised .0409 with the class B misdemeanor edit as well as the FEMA typing references removed.

Following up on your concern that that NCEM is exceeding the agencies statutory authority in .0404 and .0405 to memorialize for the record from our phone call, with respect to .0404 and NIMS – we believe nothing in this document falls outside of existing authorities specifically in G.S. 166A-66(a) 1, 2, and 3 as well as more broadly described in G.S. 166A-19.12 in the powers of the Division. Furthermore, for the regulated public, this requirement is not new as they are already under this requirement to receive federal preparedness dollars (NCEM included). This FEMA policy is really incorporating existing practices of a standardized response structure, naming conventions, et el. While lengthy, we do not believe anything included in the document falls outside of existing authorities in either the powers of the Division or specifically in Article 6 that outlines the SAR program.

Finally, in .0405 – with respect to the Public Assistance Program and Policy Guide, we do not believe anything in this document falls outside of existing authorities specifically in G.S. 166A-66(a) 4 and 6 as well as more broadly in G.S. 166A-19.12 and G.S. 166A-19.41(b)(2). Furthermore, for the regulated public, this requirement is also not new as many of the responses have been reimbursed by State and Federal Funds. The State Public Assistance Program in G.S. Chapter 166A is consistent with the federal Stafford Act. This is implemented through the PAPPG for any public entity. Specifically, the statute states that “Emergency Protective Measures” are eligible for State disasters and that is a term directly from the Stafford Act as well as the PAPPG. The regulated public is already complying with this policy as a practice outside of the SAR program and frankly its inclusion, while lengthy, will ensure that G.S. 166A-66(a) 4 and 6 are crafted around existing practices as well as consistent regardless of who is paying for the response costs.

Per our conversation, I will send the final copy of the rules to the [OAH.rules@nc.gov](mailto:OAH.rules@nc.gov) so they will have the final versions for the meeting.

Best,  
Will

**Will Polk**  
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1 14B NCAC 03 .0409 is adopted as published in 37:04 NCR 324-329 with changes as follows:

2  
3 **14B NCAC 03 .0409 PERSONNEL, TRAINING, AND EQUIPMENT STANDARDS FOR**  
4 **CONTRACT RESPONSE TEAMS AND SPECIALTY RESCUE TEAMS**

5 (a) Requirements for all system personnel:

- 6 (1) personnel shall be no less than 18 years of age;
- 7 (2) personnel shall be an ~~agent~~ employee of a Sponsoring Agency, Participating Agency, sponsoring  
8 ~~agency, participating agency,~~ or an employee of the North Carolina Division of Emergency  
9 Management. By participating in this program, ~~they~~ system personnel remain employees of their  
10 Sponsoring or Participating Agency ~~agents of their employer~~ and at no time become ~~an agent of the~~  
11 ~~State~~ a State employee entitled to State benefits unless they are an employee of NCEM; ~~the State~~;
- 12 (3) personnel shall maintain no less than 24 hours of search and rescue training annually;
- 13 (4) while participating in any program activity personnel shall be considered emergency management  
14 ~~workers~~ workers, as defined in G.S. 166A-19.60. ~~while participating in any program activity as~~  
15 ~~defined in G.S. 166A-19.60 which is adopted and incorporated by reference with subsequent~~  
16 ~~changes or amendments pursuant to G.S. 150B-21.6; and~~
- 17 (5) personnel shall possess the qualifications of character and general fitness requisite for a public  
18 servant and be of good moral character and entitled to the high regard and confidence of the public  
19 as evidenced by:
- 20 (A) not having been convicted by a local, state, federal, or military court of a felony;
- 21 (B) not having been convicted by a local, state, federal, or military court of a Class B  
22 Misdemeanor ~~misdemeanor~~ as defined in ~~12 NCAC 09B .0111(1)~~ 12 NCAC 09A  
23 .0103(24)(b) which is adopted and incorporated by reference with subsequent changes or  
24 amendments pursuant to G.S. ~~150B-21.6~~, 150B-21.6 ~~for~~ in the previous five years or the  
25 completion of any corrections supervision imposed by the courts, whichever is later;
- 26 (C) not having been convicted of an offense by a local, state, federal, or military court that  
27 would prohibit the possession of a firearm or ammunition, under 18 U.S.C. 922, which is  
28 hereby incorporated by reference with subsequent amendments and editions pursuant to  
29 G.S. 150B-21.6 can be found at no cost [https://www.govinfo.gov/content/pkg/USCODE-](https://www.govinfo.gov/content/pkg/USCODE-2018-title18/pdf/USCODE-2018-title18-partI-chap44.pdf)  
30 [2018-title18/pdf/USCODE-2018-title18-partI-chap44.pdf](https://www.govinfo.gov/content/pkg/USCODE-2018-title18/pdf/USCODE-2018-title18-partI-chap44.pdf);
- 31 (D) being truthful in providing information to the appointing agency; ~~agency for the purpose~~  
32 ~~of participating in the search and rescue system;~~
- 33 (E) not having pending or outstanding felony charges in a local, state, federal, or military court  
34 that, if ~~convicted~~ convicted, would exclude eligibility under this Rule. ~~rule; and~~
- 35 (F) ~~not having engaged in any conduct that brings into question the truthfulness or credibility~~  
36 ~~of the individual, or involves "moral turpitude."~~
- 37 (6) make the following notifications:

- 1 (A) within seven days of the qualifying ~~event~~ event, notify the Sponsoring Agency in writing
- 2 of all criminal or traffic offenses for which the individual is charged or ~~arrested~~; arrested;
- 3 ~~This shall include traffic offenses identified in the Class B Misdemeanor Manual which is~~
- 4 ~~adopted and incorporated by reference with subsequent changes or amendments pursuant~~
- 5 ~~to G.S. 150B 21.6 and offenses of driving under the influence (DUI) or driving while~~
- 6 ~~impaired (DWI);~~
- 7 (B) within seven days of the qualifying ~~event~~ event, notify the Sponsoring Agency in writing
- 8 of all criminal offenses for which the individual pleads no contest, pleads guilty, or of
- 9 which the individual is ~~found guilty~~; convicted; ~~This shall include traffic offenses identified~~
- 10 ~~in the Class B Misdemeanor Manual which is adopted and incorporated by reference with~~
- 11 ~~subsequent changes or amendments pursuant to G.S. 150B 21.6 and offenses of driving~~
- 12 ~~under the influence (DUI) or driving while impaired (DWI);~~
- 13 (C) within seven days of service, shall notify the Sponsoring Agency that ~~they have~~ he or she
- 14 has been served by a judicial official; ~~official against the individual~~;
- 15 (D) within seven days of the date the case was disposed of in court, the ~~sponsoring agency~~;
- 16 Sponsoring Agency, provided they have knowledge of ~~the person's system personnel's~~
- 17 ~~arrests or criminal charges and final dispositions, shall also notify NCEM the Division of~~
- 18 ~~Emergency Management of arrests or criminal charges and final disposition of the criminal~~
- 19 ~~charges against system personnel; disposition; and~~
- 20 (E) within seven days of the issuance of all Domestic Violence Protective Orders pursuant to
- 21 G.S. 50B (G.S. 50B) and Civil No Contact Orders pursuant to G.S. 50C, (G.S. 50C), the
- 22 sponsoring agency, provided they have knowledge of the order, shall also notify NCEM
- 23 ~~the Division of Emergency Management~~ of these orders.

24 (b) Requirements for all system equipment:

- 25 (1) equipment shall be made available for inspections and ~~inventory~~; inventory by NCEM personnel;
- 26 ~~(2) system resources shall count any state owned issued equipment to the specified equipment~~
- 27 ~~requirements;~~
- 28 ~~(3)(2)~~ system resources shall maintain any ~~state owned~~ State-owned equipment per ~~manufactures~~
- 29 manufacturer's recommendations and immediately notify NCEM of any damage to state property;
- 30 State-owned and issued equipment; and
- 31 ~~(4) (3)~~ upon ~~separation~~ separation, all system resources shall return all state property in no more than 30
- 32 ~~days~~ days to NCEM.

33 (c) Urban Search and Rescue Team Personnel and Training ~~Requirements~~ Requirements:

- 34 (1) A Type I or Type II Urban Search and Rescue Team shall maintain a roster of 116 personnel who
- 35 have successfully completed the ~~NC-USAR~~ North Carolina Urban Search and Rescue Structural
- 36 Collapse Rescue Technician Course or the Federal Emergency Management Agency ~~Equivalent~~
- 37 Structural Collapse Specialist Course.

1 (2) A Type III Urban Search and Rescue Team shall maintain a roster of 58 personnel who have  
2 successfully completed the NC USAR Structural Collapse Rescue Technician Course or the Federal  
3 Emergency Management Agency ~~Equivalent~~ Structural Collapse Specialist Course.

4 (3) North Carolina Division of Emergency Management shall be responsible for providing qualified  
5 structures ~~specialist, specialists,~~ medical team managers, and canine search specialists for any ~~typed~~  
6 urban search and rescue team as part of this program if required for a response.

7 (d) Urban Search and Rescue Team Equipment ~~Requirements~~ Requirements:

8 (1) Urban Search and Rescue Teams shall maintain a functionally equivalent cache of equipment based  
9 on the appropriate team type with the Emergency Management Accreditation Program Urban Search  
10 and Rescue Cache List which is adopted and incorporated by reference with subsequent changes or  
11 amendments pursuant to G.S. 150B-21.6 as outlined in the latest published standard by the  
12 Emergency Management Accreditation ~~Program.~~ Program located at no cost at  
13 <https://emap.org/index.php/root/assessor-resources/87-emap-cache-list>.

14 (2) Equipment shall be maintained in a manner ready to be used ~~state of readiness~~ and with a means to  
15 transport all required equipment.

16 (e) Swiftwater Rescue Team Personnel and Training ~~Requirements~~ Requirements:

17 (1) Any Type I Swiftwater Rescue Team shall maintain a minimum roster of 32 personnel who have  
18 successfully completed Swiftwater Rescue Technician level training that meets ~~or exceeds training~~  
19 requirements of Chapters 5, 11, and 12 of ~~NFPA~~ National Fire Protection Associations (NFPA)  
20 1006 which is adopted and incorporated by reference with subsequent changes or amendments  
21 pursuant to ~~G.S. 150B-21.6.~~ G.S. 150B-21.6 and can be found at [https://www.nfpa.org/codes-and-](https://www.nfpa.org/codes-and-standards/all-codes-and-standards/list-of-codes-and-standards/detail?code=1006)  
22 [standards/all-codes-and-standards/list-of-codes-and-standards/detail?code=1006](https://www.nfpa.org/codes-and-standards/all-codes-and-standards/list-of-codes-and-standards/detail?code=1006) at a cost of  
23 \$91.00. From the complete roster, the team shall ~~additionally~~ maintain the following number of  
24 personnel trained in position specific advanced roles:

25 (A) eight personnel who have completed the North Carolina Swiftwater Flood Rescue Boat  
26 Operator Course;

27 (B) two personnel who have completed either the North Carolina Swiftwater / Flood Rescue  
28 Team Leader Course or North Carolina Urban Search and Rescue Task Force Leader  
29 Course; and

30 (C) two personnel who have completed either the North Carolina Swiftwater / Flood Rescue  
31 Team Communications Specialist Course or North Carolina Urban Search and Rescue  
32 Communications Specialist Course.

33 (2) Any Type II Swiftwater Rescue Team shall maintain a minimum roster of 24 personnel who have  
34 successfully completed Swiftwater Rescue Technician level training that meets ~~or exceeds~~ training  
35 requirements of Chapters 5, 11, and 12 of NFPA 1006. ~~1006 which is adopted and incorporated by~~  
36 ~~reference with subsequent changes or amendments pursuant to G.S. 150B-21.6.~~ From the complete

1 roster, the team shall ~~additionally~~ maintain the following number of personnel trained in position  
2 specific advanced roles:

- 3 (A) four personnel who have completed the North Carolina Swiftwater Flood Rescue Boat  
4 Operator Course;
- 5 (B) two personnel who have completed either the North Carolina Swiftwater Flood Rescue  
6 Team Leader Course or North Carolina Urban Search and Rescue Task Force Leader  
7 Course; and
- 8 (C) two personnel who have completed either the North Carolina Swiftwater Flood Rescue  
9 Team Communications Specialist Course or North Carolina Urban Search and Rescue  
10 Communications Specialist Course.

11 (3) Any Type III Swiftwater Rescue Team shall maintain a minimum roster of 16 personnel who have  
12 successfully completed Swiftwater Rescue Technician level training that meets ~~or exceeds~~ training  
13 requirements from Chapters 5, 11, and 12 of NFPA 1006, ~~1006 which is adopted and incorporated~~  
14 ~~by reference with subsequent changes or amendments pursuant to G.S. 150B-21.6.~~ From the  
15 complete roster, the team shall ~~additionally~~ maintain the following number of personnel trained in  
16 position specific advanced roles:

- 17 (A) two personnel who have completed the North Carolina Swiftwater Flood Rescue Boat  
18 Operator Course;
- 19 (B) two personnel who have completed either the North Carolina Swiftwater Flood Rescue  
20 Team Leader Course or North Carolina Urban Search and Rescue Task Force Leader  
21 Course; and
- 22 (C) two personnel who have completed either the North Carolina Swiftwater Flood Rescue  
23 Team Communications Specialist Course or North Carolina Urban Search and Rescue  
24 Communications Specialist Course.

25 (f) Swiftwater Rescue Team Equipment ~~Requirements~~ Requirements:

- 26 (1) Any Type I Swiftwater Rescue Team shall maintain an equipment cache of no less than:
  - 27 (A) six 800 MHz portable radios programed with the NC VIPER Radio System template;
  - 28 (B) 16 portable radios capable for internal team communications;
  - 29 (C) one portable computer with ~~a minimum of~~ cellular or satellite-based internet access;
  - 30 (D) 16 each of dry suits with a ~~suitable~~ liner, personal floatation devices with not less than  
31 22lbs of floatation, helmet with headlamp, rescue knife, pealess whistle, boat motor key,  
32 water rescue throw bag, and pair of water rescue boots;
  - 33 (E) two each thermal imaging cameras and handheld ~~spotlight~~; spotlights;
  - 34 (F) two ~~hardcopy of NC State of North Carolina road map~~; atlases;
  - 35 (G) six global positioning system receivers;
  - 36 (H) two forcible entry kits to include a Halligan, axe, ~~sledgehammer~~ sledgehammer, and bolt  
37 cutters per kit;

- 1 (I) two chain saws;
- 2 (J) four inflatable ridged boats not less than 4 meters in length with not less than six total
- 3 outboard motors;
- 4 (K) one rope rescue kit to include 20 locking carabiners, four full body ~~harness~~, harnesses, two
- 5 knot passing pulleys, 12 tandem prusiks, eight pulleys, two 200 foot life safety rope in a
- 6 bag, two 300 foot life safety rope in a bag, line thrower, and six sections of each 5 foot, 12
- 7 foot, 15 foot, 20 foot nylon tubular webbing;
- 8 (L) two decontamination kits to ~~include~~, include one 2.5 gallon pressure sprayer, one five
- 9 gallon bucket, one 40 gallon work box, one 110 volt submersible pump, two 25 foot
- 10 sections of garden hose, garden hose wye adaptor, a 110 volt submersible pump, ~~soap and~~
- 11 ~~bleach~~ cleaning solution per dry suit manufacturer recommendations, solution, and one 1.5
- 12 inch to .75 inch male garden hose adapter;
- 13 (M) six non-venting fuel cells with fuel lines;
- 14 (N) two self-bailing ~~raft~~, rafts;
- 15 (O) four boat field repair kits to include a patch and five clamshells ~~clamshell kit~~ per kit;
- 16 (P) 12 paddles;
- 17 (Q) ~~Shelter~~ shelter system for 16 personnel that can be ~~setup~~ assembled in under 30 minutes
- 18 time and does not require power for ~~setup assembly~~; ~~with 16 each of a sleeping kit such as~~
- 19 ~~a cots, pad, or sleeping bag; and~~
- 20 (R) 16 each of a sleeping kit such as a cots, cot, pad, or sleeping bag;
- 21 ~~(R)~~ (S) Two two each of two kilowatt or larger generators with portable lights; and
- 22 ~~(S)~~ (T) Two two electric air pumps, four manual inflation pumps, and eight compressed air
- 23 cylinders with ~~whip or fill system~~ systems to inflate boats or rafts.
- 24 (2) Any Type II Swiftwater Rescue Team shall maintain an equipment cache of no less than:
- 25 (A) four 800 MHz portable radios programed with the NC VIPER Radio System template;
- 26 (B) ten portable radios capable for internal team communications;
- 27 (C) one portable computer with ~~a minimum of~~ cellular or satellite-based internet access;
- 28 (D) ten each of dry suits with a suitable liner, personal floatation devices with not less than
- 29 22lbs of floatation, helmet with headlamp, rescue knife, pealess whistle, boat motor key,
- 30 water rescue throw bag, and pair of water rescue boots;
- 31 (E) two each thermal imaging cameras and handheld ~~spotlight~~, spotlights;
- 32 (F) two ~~hardcopy of~~ NC State of North Carolina road map; atlases;
- 33 (G) four global positioning system receivers;
- 34 (H) one forcible entry kits to include a Halligan, axe, ~~sledgehammer~~ sledgehammer, and bolt
- 35 cutters per kit;
- 36 (I) two chain saws;

- 1 (J) two inflatable ridged boats not less than 4 meters in length with not less than three total  
2 outboard motors;
- 3 (K) one rope rescue kit to include 20 locking carabiners, four full body harness, two knot  
4 passing pulleys, 12 tandem prusiks, eight pulleys, two 200 foot life safety rope in a bag,  
5 two 300 foot life safety rope in a bag, line thrower, and six sections of each 5 foot, 12 foot,  
6 15 foot, 20 foot nylon tubular webbing;
- 7 (L) one decontamination kits to ~~include,~~ include one 2.5 gallon pressure sprayer, one five  
8 gallon bucket, one 40 gallon work box, one 110 volt submersible pump, two 25 foot  
9 sections of garden hose, garden hose wye adaptor, a 110 volt submersible pump, ~~soap and~~  
10 ~~bleach~~ cleaning solution per dry suit manufacturer recommendations, solution, and one 1.5  
11 inch to .75 inch male garden hose adapter;
- 12 (M) four non-venting fuel cells with fuel lines;
- 13 (N) one self-bailing raft;
- 14 (O) two boat field repair kits to include a patch and five clamshells ~~clamshell kit~~ per kit;
- 15 (P) six paddles;
- 16 (Q) ~~Shelter~~ shelter system for ten personnel that can be ~~setup~~ assembled in under 30 minutes  
17 time and does not require power for ~~setup assembly;~~ with 16 each of a sleeping kit such as  
18 ~~a cots, pad, or sleeping bag; and~~
- 19 (R) ten each of a sleeping kit such as a cots, cot, pad, or sleeping bag;
- 20 ~~(R)~~ (S) Two ~~two~~ each of two kilowatt or larger generators with portable lights; and
- 21 ~~(S)~~ (T) Two ~~two~~ electric air pumps, four manual inflation pumps, and eight compressed air  
22 cylinders with ~~whip or fill system~~ systems to inflate boats or rafts.
- 23 (3) Any Type III Swiftwater Rescue Team shall maintain an equipment cache of no less than:
- 24 (A) six 800 MHz portable radios programed with the NC VIPER Radio System template;
- 25 (B) six portable radios capable for internal team communications;
- 26 (C) one portable computer with ~~a minimum of~~ cellular or satellite-based internet access;
- 27 (D) six each of dry suits with a ~~suitable~~ liner, personal floatation devices with not less than  
28 22lbs of floatation, helmet with headlamp, rescue knife, pealess whistle, boat motor key,  
29 water rescue throw bag, and pair of water rescue boots;
- 30 (E) one ~~hardcopy of NC~~ State of North Carolina road map; atlas;
- 31 (F) two global positioning system receivers;
- 32 (G) one forcible entry ~~kits~~ kit to include a Halligan, axe, ~~sledgehammer~~ sledgehammer, and  
33 bolt cutters per kit;
- 34 (H) one chain saw;
- 35 (I) one inflatable ridged boats not less than 4 meters in length with not less than two total  
36 outboard motors;

- (J) one rope rescue kit to include 20 locking carabiners, two full body harness, two knot passing pulleys, 12 tandem prusiks, four pulleys, 200 foot life safety rope in a bag, 300 foot life safety rope in a bag, line thrower, and three sections of each 5 foot, 12 foot, 15 foot, 20 foot nylon tubular webbing;
- (K) one decontamination kits to ~~include,~~ include one 2.5 gallon pressure sprayer, one five gallon bucket, one 40 gallon work box, one 110 volt submersible pump, two 25 foot sections of garden hose, garden hose wye adaptor, a 110 volt submersible pump, ~~soap and bleach~~ cleaning solution per dry suit manufacturer recommendations, solution, and one 1.5 inch to .75 inch male garden hose adapter;
- (L) two non-venting fuel cells with fuel lines;
- (M) one self-bailing raft;
- (N) one boat field repair kits to include a patch and five clamshells clamshell kit per kit;
- (O) three paddles;
- (P) ~~Shelter~~ shelter system for 16 personnel that can be ~~setup~~ assembled in under 30 minutes time and does not require power for ~~setup assembly;~~ with 16 each of a sleeping kit such as a cots, pad, or sleeping bag; and
- (R) 16 each of a sleeping kit such as a cots, cot, pad, or sleeping bag;
- ~~(R)~~ (S) one each of two kilowatt or larger generators with portable lights; and
- ~~(S)~~ (T) one electric air pumps, one manual inflation pumps, and two compressed air cylinders with ~~whip or fill system~~ system to inflate boats or rafts.

(g) Helicopter search and rescue technicians shall:

- (1) be a member of the Urban Search and Rescue, Swiftwater Rescue, Wilderness Search and Rescue, or Mountain Rescue ~~Program~~ Programs with a letter of support from their sponsoring agency;
- (2) complete the North Carolina Division of Emergency Management Helicopter Rescue Indoctrination Course; and
- (3) attend scheduled training on no less than a quarterly basis to maintain their qualification as a helicopter rescue technician.

(h) Helicopter Rescue Team Equipment Requirements

- (1) Helicopter search and rescue technicians shall maintain all issued equipment ~~in good working order~~ and in accordance with the manufacturer recommendations.
- (2) Helicopter search and rescue technicians shall inspect their issued equipment prior to and after each use and report any damage per manufacturer recommendations ~~or unusual wear~~ to the Aviation Life Safety Equipment Officer.

(i) Wilderness Search and Rescue Team Requirements

- (1) A wilderness search and rescue team shall maintain a roster of no less than eight personnel that have completed the NC Land Search Field Team Member Course or other wilderness search course that meets the current requirements of ~~ASTM~~ the American Society for Testing and Materials F2209



1 standard which is adopted and incorporated by reference with subsequent changes or amendments  
2 pursuant to ~~G.S. 150B-21.6.~~ G.S. 150B-21.6 and can be found at: [https://www.astm.org/f2209-](https://www.astm.org/f2209-20.html)  
3 20.html at a cost of \$57.00.

4 (2) A wilderness search and rescue team shall maintain a team equipment cache of no less than eight of  
5 the following:

- 6 (A) field pack able to carry required equipment;
- 7 (B) multi-purpose knife;
- 8 (C) ~~water container(s)~~ containers sufficient to hold two quarts of potable water;
- 9 (D) safety glasses;
- 10 (E) pealess whistle;
- 11 (F) grid reader for 1:24000 scale;
- 12 (G) compass;
- 13 (H) two light sources with spare batteries;
- 14 (I) set of rain ~~gear;~~ gear to include a jacket with a hood and a pair of pants;
- 15 (J) tracking stick no less than 42 inches long;
- 16 (K) watch;
- 17 (L) ~~fire starting kit;~~ equipment needed to start a fire such as waterproof matches or fire starting  
18 steel;
- 19 (M) measuring device capable of ~~measure~~ measuring no less than 18 inches;
- 20 (N) paper and pen or pencil;
- 21 (O) ~~FEMA ICS 214 form;~~ form which is adopted and incorporated by reference with  
22 subsequent changes or amendments pursuant to G.S. 150B-21.6 and can be found at:  
23 [https://training.fema.gov/emiweb/is/icsresource/assets/ics%20forms/ics%20form%20214,](https://training.fema.gov/emiweb/is/icsresource/assets/ics%20forms/ics%20form%20214,%20activity%20log%20(v3.1).pdf)  
24 [https://training.fema.gov/emiweb/is/icsresource/assets/ics%20forms/ics%20form%20214,](https://training.fema.gov/emiweb/is/icsresource/assets/ics%20forms/ics%20form%20214,%20activity%20log%20(v3.1).pdf)  
25 [https://training.fema.gov/emiweb/is/icsresource/assets/ics%20forms/ics%20form%20214,](https://training.fema.gov/emiweb/is/icsresource/assets/ics%20forms/ics%20form%20214,%20activity%20log%20(v3.1).pdf)  
26 [https://training.fema.gov/emiweb/is/icsresource/assets/ics%20forms/ics%20form%20214,](https://training.fema.gov/emiweb/is/icsresource/assets/ics%20forms/ics%20form%20214,%20activity%20log%20(v3.1).pdf)  
27 [https://training.fema.gov/emiweb/is/icsresource/assets/ics%20forms/ics%20form%20214,](https://training.fema.gov/emiweb/is/icsresource/assets/ics%20forms/ics%20form%20214,%20activity%20log%20(v3.1).pdf)  
28 [https://training.fema.gov/emiweb/is/icsresource/assets/ics%20forms/ics%20form%20214,](https://training.fema.gov/emiweb/is/icsresource/assets/ics%20forms/ics%20form%20214,%20activity%20log%20(v3.1).pdf)  
29 [https://training.fema.gov/emiweb/is/icsresource/assets/ics%20forms/ics%20form%20214,](https://training.fema.gov/emiweb/is/icsresource/assets/ics%20forms/ics%20form%20214,%20activity%20log%20(v3.1).pdf)  
30 [https://training.fema.gov/emiweb/is/icsresource/assets/ics%20forms/ics%20form%20214,](https://training.fema.gov/emiweb/is/icsresource/assets/ics%20forms/ics%20form%20214,%20activity%20log%20(v3.1).pdf)  
31 [https://training.fema.gov/emiweb/is/icsresource/assets/ics%20forms/ics%20form%20214,](https://training.fema.gov/emiweb/is/icsresource/assets/ics%20forms/ics%20form%20214,%20activity%20log%20(v3.1).pdf)  
32 [https://training.fema.gov/emiweb/is/icsresource/assets/ics%20forms/ics%20form%20214,](https://training.fema.gov/emiweb/is/icsresource/assets/ics%20forms/ics%20form%20214,%20activity%20log%20(v3.1).pdf)  
33 [https://training.fema.gov/emiweb/is/icsresource/assets/ics%20forms/ics%20form%20214,](https://training.fema.gov/emiweb/is/icsresource/assets/ics%20forms/ics%20form%20214,%20activity%20log%20(v3.1).pdf)  
34 [https://training.fema.gov/emiweb/is/icsresource/assets/ics%20forms/ics%20form%20214,](https://training.fema.gov/emiweb/is/icsresource/assets/ics%20forms/ics%20form%20214,%20activity%20log%20(v3.1).pdf)  
35 [https://training.fema.gov/emiweb/is/icsresource/assets/ics%20forms/ics%20form%20214,](https://training.fema.gov/emiweb/is/icsresource/assets/ics%20forms/ics%20form%20214,%20activity%20log%20(v3.1).pdf)  
36 [https://training.fema.gov/emiweb/is/icsresource/assets/ics%20forms/ics%20form%20214,](https://training.fema.gov/emiweb/is/icsresource/assets/ics%20forms/ics%20form%20214,%20activity%20log%20(v3.1).pdf)  
%20activity%20log%20(v3.1).pdf at no cost;
- (P) 50 foot of cordage;
- (Q) eight zip ties; and
- (R) signaling mirror.

(3) A wilderness search and rescue team shall maintain a rescue equipment cache of no less than the  
following:

- (A) two global positioning system receivers; and
- (B) two first aid ~~kits;~~ kits to include two tourniquets, eight four inch square gauze pads, two  
two inch gauze rolls, two rolls of paper tape one inch by ten yards, two rolls of moleskin  
patches two inch by five yards, two emergency survival blankets, two triangle bandages,  
one SAM splint 36 inches in length, five pairs of nitrile gloves, one CPR micromask, and  
one trauma shear scissors.

(j) Mountain Rescue Team Requirements

- 1 (1) A mountain rescue team shall maintain a roster of no less than eight personnel that have completed  
2 the NC Mountain Rescue Operations ~~Course~~ Course. ~~Of those eight personnel, with no less than~~  
3 two personnel shall ~~that~~ have also completed the NC Mountain Rescue Technician ~~Level~~-Course.
- 4 (2) A mountain rescue team shall maintain a team equipment cache of no less than eight of following:  
5 (A) field pack able to carry required equipment;  
6 (B) multi-purpose knife;  
7 (C) water ~~container(s)~~ containers sufficient to hold two quarts of potable water;  
8 (D) grid reader for 1:24000 scale;  
9 (E) ~~fire starting kit; equipment needed to start a fire such as waterproof matches or fire starting~~  
10 steel;  
11 (F) compass;  
12 (G) two light sources with spare batteries;  
13 (H) set of rain ~~gear; gear to include a jacket with a hood and a pair of pants~~;  
14 (I) watch;  
15 (J) paper and pen or pencil; and  
16 (K) FEMA ICS 214 form;
- 17 (3) A mountain rescue team shall maintain a rescue equipment cache of no less than the following:  
18 (A) two global positioning system receivers;  
19 (B) ten screw gate carabiners;  
20 (C) four belay type friction devices;  
21 (D) eight pre-sewn runners;  
22 (E) eight sets of matching prussik pairs;  
23 (F) four 30 foot ~~cord~~ cords suitable for anchor and litter rigging;  
24 (G) eight mountaineering harnesses;  
25 (H) two rappel type friction devices;  
26 (I) two each of single and double micro pulleys;  
27 (J) two 150 foot ropes with a rating equal to or greater than 20 kilonewtons;  
28 (K) two 250 foot ropes with a rating equal to or greater than 20 kilonewtons;  
29 (L) eight pairs of snow shoes;  
30 (M) eight pairs of trekking poles;  
31 (N) four ice screws;  
32 (O) eight pairs of slip-on boot traction devices;  
33 (P) four pairs of crampons;  
34 (Q) a patient litter such as a military type stokes basket or sked system; and  
35 (R) two 800 MHz portable radios programed with the NC VIPER Radio System template.

36  
37 *History Note: Authority G.S. 166A-66; 166A-67; 166A-68;*

1  
2

*Eff. ~~January~~ April 1, 2023.*



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**From:** Polk, Will (CCPS)  
**Sent:** Saturday, March 11, 2023 12:43 PM  
**To:** Liebman, Brian R <[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)>  
**Cc:** McDonald, Margaret (CCPS) <[margaret.mcdonald@ncdps.gov](mailto:margaret.mcdonald@ncdps.gov)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Barnes, Brian (NCEM) <[Brian.Barnes@ncdps.gov](mailto:Brian.Barnes@ncdps.gov)>  
**Subject:** RE: 14B NCAC 03 Requests for Changes - January 2023 RRC

Hi Brian,

See a my comments below in italics and red, if you have additional concerns on authority issues for .0404 and .0405 we can discuss on Monday.

**Will Polk**  
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**From:** Liebman, Brian R <[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)>  
**Sent:** Friday, March 10, 2023 6:33 PM  
**To:** Polk, Will (CCPS) <[Will.Polk@ncdps.gov](mailto:Will.Polk@ncdps.gov)>  
**Cc:** McDonald, Margaret (CCPS) <[margaret.mcdonald@ncdps.gov](mailto:margaret.mcdonald@ncdps.gov)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Barnes, Brian (NCEM) <[Brian.Barnes@ncdps.gov](mailto:Brian.Barnes@ncdps.gov)>  
**Subject:** RE: 14B NCAC 03 Requests for Changes - January 2023 RRC

Will,

I have gotten through several of the new rules you sent me, and so far, everything looks pretty good, with one exception in Rule .0409.

As of now, I will recommend approval of .0401, .0402, .0403, .0406, .0407, .0408, and .0410. Approval of .0406 and .0407 is contingent on making the changes below, which are minor, and shouldn't be an issue.

.0404

I think you should use the formal title of the NIMS document you're incorporating by reference.

I looked at the link, and it's 133 pages. My only concern is if there is anything in this guide that you're requiring, but would exceed your statutory authority. Can you confirm that?

On line 16, delete "the" before "Chapter 132". *[Polk, Will] NIMS is set of principles and policies and not a law but more operational principles that at the foundations of EM that federal, state, local, and tribal agencies follow. Everything within the NIMS document is the fundamental basis for emergency management operations and those principles are*

*baked in the Chapter 166A of the General Statutes and specifically Article 6 and more on point with Rule .0404, GS 166A-66 and does not exceed our authority.*

*Rule .0404 is consistent with the NIMS document and we are not requiring SAR system resources to follow anything that we are not already following under our own statutory authority.*

.0405

I have similar questions about .the FEMA policy guide incorporated by reference in (g). It's 277 pages. Is there anything in here that would exceed your statutory authority?**[Polk, Will]** *The Public Assistance Policy Guide (PAPPA-G) sets the policy that FEMA will reimburse eligible costs to applicants when engaged in disaster response/recovery. Our state laws and this rule are consistent with the section 406 of Stafford Act, the corresponding regulations for Public Assistance (reimbursements to governments not individuals) in 44 CFR, and 2 CFR Part 200, subparts E and F, and Appendix II which the PAPPA-G is based off. The elements in .0405 are consistent with what would be eligible under federal reimbursement if the SAR systems resources are deployed to assist in a federally declared disaster to respond to an event.*

.0406

I'm recommending approval, but please fix the tabbing in (b).**[Polk, Will]** *Done*

.0407

I'm recommending approval, but please in (c)(3), line 36, delete "the" prior to "criteria".**[Polk, Will]** *Done.*

Now that you made clear to me what the difference is between Contract Response Teams and Specialty Response Teams, in terms of agreements, funding, and provision of equipment, I think the existing language is fine. My previous questions/concerns didn't take into consideration that the agency was treating these different kind of teams differently.**[Polk, Will]** *Acknowledged.*

.0409

In (a)(5), line 19, the addition of "by not having been convicted by a local, state, federal, or military court of:" makes many of the subparagraphs below ungrammatical. For instance, in (C), it reads "not having by not having been convicted by a local, state, federal, or military court of: . . . not having been convicted of an offense..." Similarly, in (D), you get "by not having been convicted by a local, state, federal, or military court of: . . . being truthful in providing information..." I think you probably can omit the addition, restore "not having been convicted of" to (A), and be fine.**[Polk, Will]**

In (a)(5)(B), lines 23-24, did you mean to delete "for five years or the completion of any corrections supervision imposed by the courts, whichever is later"? It's hanging out there after a period (which should also be deleted, FYI), and was language I had already flagged as unclear.**[Polk, Will]** *Updated and restored in text.*

Also in (a)(5)(B), line 21, are you sure about this reference? 12 NCAC 09B .0111(3) doesn't define misdemeanor, it just says an officer shall not have been convicted of a Class B misdemeanor. The definition of "misdemeanor" is in 12B NCAC 09A .0103(24).**[Polk, Will]** *Fixed, will submit the final draft after we discuss the USAR and Swiftwater team.*

I have an issue with what you've done with the USAR and Swiftwater teams, in (c)(1) and (e)(1). It looks like you added incorporations by reference to a FEMA tool which defines the amount of personnel and equipment for each kind of Type I, II, and III team. However, those definitions don't line up with what's in your rule. For instance, in (e)(1), you have minimum personnel of 32, 24, and 16 for a type I, II, and III team, respectively, while the FEMA doc says 16, 12, and 6, respectively. There may be other inconsistencies, but one is enough to make this unclear and ambiguous. Moreover, by locating the incorporation in the Type I definition for USAR and Swiftwater and none other, its not clear it applies to all the other teams. Also, to the extent that these FEMA documents are changing the requirements that you published, I think you're making a substantial change to your rules.**[Polk, Will]** *We can discuss on Monday.*

If you'd like to discuss again on Monday, I'd be more than happy to have another call with you, if you think that would help.

Thanks,  
Brian

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**From:** Liebman, Brian R  
**Sent:** Wednesday, March 8, 2023 4:57 PM  
**To:** Polk, Will (CCPS) <[Will.Polk@ncdps.gov](mailto:Will.Polk@ncdps.gov)>  
**Cc:** McDonald, Margaret (CCPS) <[margaret.mcdonald@ncdps.gov](mailto:margaret.mcdonald@ncdps.gov)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Barnes, Brian (NCEM) <[Brian.Barnes@ncdps.gov](mailto:Brian.Barnes@ncdps.gov)>  
**Subject:** RE: 14B NCAC 03 Requests for Changes - January 2023 RRC

Thanks Will, I will take a look and hopefully get back to you tomorrow.

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**From:** Polk, Will (CCPS) <[Will.Polk@ncdps.gov](mailto:Will.Polk@ncdps.gov)>  
**Sent:** Wednesday, March 8, 2023 2:25 PM  
**To:** Liebman, Brian R <[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)>  
**Cc:** McDonald, Margaret (CCPS) <[margaret.mcdonald@ncdps.gov](mailto:margaret.mcdonald@ncdps.gov)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Barnes, Brian (NCEM) <[Brian.Barnes@ncdps.gov](mailto:Brian.Barnes@ncdps.gov)>  
**Subject:** RE: 14B NCAC 03 Requests for Changes - January 2023 RRC

Good afternoon Brian,

I hope you are doing well. Attached our revisions to the rules from our meeting last week. There was one item which is flagged on Rule .0407 that you said you were going to give us some feedback on the bid/procurement language in that rule.

Feel free to reach out if you have any additional questions/comments/edits.

Best,  
Will Polk

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**From:** Liebman, Brian R <[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)>

**Sent:** Wednesday, March 1, 2023 11:13 AM

**To:** Polk, Will (CCPS) <[Will.Polk@ncdps.gov](mailto:Will.Polk@ncdps.gov)>

**Cc:** McDonald, Margaret (CCPS) <[margaret.mcdonald@ncdps.gov](mailto:margaret.mcdonald@ncdps.gov)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Barnes, Brian (NCEM) <[Brian.Barnes@ncdps.gov](mailto:Brian.Barnes@ncdps.gov)>

**Subject:** Re: 14B NCAC 03 Requests for Changes - January 2023 RRC

Sounds good. Talk to you then.

Brian Liebman

Counsel to the North Carolina Rules Review Commission

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**From:** Polk, Will (CCPS) <[Will.Polk@ncdps.gov](mailto:Will.Polk@ncdps.gov)>

**Sent:** Wednesday, March 1, 2023 11:11:57 AM

**To:** Liebman, Brian R <[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)>

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**Subject:** RE: 14B NCAC 03 Requests for Changes - January 2023 RRC

Great. Yes and will be sure to do so. I may turn on the recording function in teams so I can be sure to transcribe everything correctly. Thank you. Invite is coming in next email. I will set aside an hour, even if we don't use it all.

Best,

Will

**Will Polk**

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**From:** Liebman, Brian R <[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)>  
**Sent:** Wednesday, March 1, 2023 11:10 AM  
**To:** Polk, Will (CCPS) <[Will.Polk@ncdps.gov](mailto:Will.Polk@ncdps.gov)>  
**Cc:** McDonald, Margaret (CCPS) <[margaret.mcdonald@ncdps.gov](mailto:margaret.mcdonald@ncdps.gov)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Barnes, Brian (NCEM) <[Brian.Barnes@ncdps.gov](mailto:Brian.Barnes@ncdps.gov)>  
**Subject:** Re: 14B NCAC 03 Requests for Changes - January 2023 RRC

Hi Will,

I can meet tomorrow at 10:30 if that works for you.

If teams works that's great, but for whatever reason I usually have trouble with the mic. If that happens let's just do a telephone conference.

Just to note, we will need to memorialize our conversation in an email afterwards for the purposes of transparency.

Thanks,  
Brian

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**From:** Polk, Will (CCPS) <[Will.Polk@ncdps.gov](mailto:Will.Polk@ncdps.gov)>  
**Sent:** Wednesday, March 1, 2023 11:06:47 AM  
**To:** Liebman, Brian R <[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)>  
**Cc:** McDonald, Margaret (CCPS) <[margaret.mcdonald@ncdps.gov](mailto:margaret.mcdonald@ncdps.gov)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Barnes, Brian (NCEM) <[Brian.Barnes@ncdps.gov](mailto:Brian.Barnes@ncdps.gov)>  
**Subject:** RE: 14B NCAC 03 Requests for Changes - January 2023 RRC

Hi Brian,

I spoke with my client this morning and we think at this point it would be better to have a meeting to discuss instead of going back and forth via email. Do you have availability between 10:30 and 2 tomorrow or after 1:00 p.m. on Friday to meet with me and Brian Barnes? We can do it via TEAMS.

Thank you,  
Will

**Will Polk**  
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**From:** Liebman, Brian R <[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)>  
**Sent:** Wednesday, March 1, 2023 12:49 AM  
**To:** Polk, Will (CCPS) <[Will.Polk@ncdps.gov](mailto:Will.Polk@ncdps.gov)>  
**Cc:** McDonald, Margaret (CCPS) <[margaret.mcdonald@ncdps.gov](mailto:margaret.mcdonald@ncdps.gov)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Barnes, Brian (NCEM) <[Brian.Barnes@ncdps.gov](mailto:Brian.Barnes@ncdps.gov)>  
**Subject:** RE: 14B NCAC 03 Requests for Changes - January 2023 RRC

Hi Will,

I've reviewed the responses to my requests for changes. Clearly, y'all have put a lot of work in here, and I appreciate that. I have several follow ups, however.

First, with respect to formatting. When you make post-publication changes to full adoptions, as you have here, the correct way to format changes is to take the whole rule out of underline, and then only underline and strike through the changes. You also amend the introductory statement to say – using Rule .0401 as an example – “14B NCAC 03 .0401 is adopted as published in 37:04 NCR 320-21 with changes as follows:” See the website at the link below for rule formatting examples. You want to look under Rule Format Examples for Publication in the NC Administrative Code, and then Permanent Adoption with changes from publication. [Rule Format Examples | NC OAH](#)

Second, please see below for individual follow ups about each rule.

#### All Rules

*Ensure compliance with defined words, primarily those found in 14B NCAC 03 .0401. In many rules, you depart from the form of the term used in your definitions rule, either using a different term or different abbreviation. As an example, see “North Carolina Search and Rescue System” and reference being made to the “NC Search and Rescue Program” in 14B NCAC 03 .0410. If a phrase, entity, person, or other word is defined or abbreviated, that definition or abbreviation must be used later, depending upon the definition or abbreviation’s applicability.*

**I’ve seen several examples where this has not been corrected. Please correct throughout. A prominent example I’ve noticed is “Sponsoring Agency” isn’t capitalized although you capitalize it in R. 0402 in the definition. I’m assuming you *want* it capitalized because of how you styled it in the definition. If not, that’s fine. Just be consistent.**

*Please capitalize “state” when referring only to the State of North Carolina.*

**I don’t think this was corrected anywhere within these Rules. Please correct throughout. I know it seems petty but under our style guide and under the Bluebook, references to “State” mean the State of North Carolina, while references to “state” mean any state level government. So it is a distinction with a difference. The easiest way is to hit Ctrl+G, make sure Word is checking for capitalization in the options, and then search for “state”, and make corrections as necessary.**

#### .0402

*In (1), what does “has the potential to impact the State” mean? Who makes this determination? That is done by the Governor or delegated to the Division of Emergency management.*

**Thanks for clarifying. That said, the rule itself is still unclear. Please amend the Rule to reflect this info.**

*In (3), you are again using the term defined—“contract response team”—in the definition. The definition here, when boiled down, basically says a contract response team is a contract response team with self sustaining logistical support that can respond to disasters. The only unique term here is “self sustaining logistical support” which is undefined. Please revise. Done.*

**I don't see a change in the Rule. Please revise the Rule.**

*In (7), line 23, you state that an ICS is “standardized.” Are these FEMA standards? (See above). Also, what is a “standardized[,] on-scene emergency management construct”? What is a “construct” in this usage? Updated.*

**I see the reference to FEMA ICS is deleted in R. 0404, and that you've deleted the examples portion of the definition, but the point of the questions about this definition was to impress that the definition is vague and doesn't really say what an ICS is. Again, what is an “emergency management construct”? To what standards is it being built?**

*Similarly to above requests, in (11), does “resources” or “Resource” mean something beyond “System Resources” in (28)? No. It is the system resources.*

**Why not say so in the Rule then?**

**Also in (11), why is the item number deleted? I think you also need to re-number everything following (11) as well.**

*In (12), what is the “North Carolina Search and Rescue **System**”? G.S. 166A-66 establishes the “North Carolina Search and Rescue Program” in Article 6. Is this a mistake or oversight? Correct the abbreviation and all references in later rules.*

The program is organized into 5 programs. Defined the system as The Program to make it less confusing when talking about the USAR program, Swiftwater program, etc. vs. the entirety of The Program. We are working update GS 166A, but felt this was the easier solution to be clear for now.

**So, if I understand you correctly, you're using a Rule to essentially rename the Search and Rescue Program from Program--which is the name the statute gives it—to System? If that's true, then why do you continue to use “Program” in the definitions to follow?**

*In (14), line 15, who determines whether an emergency “could occur”? What is the standard for whether an emergency “could occur”. The Governor or the Secretary of DPS or Director of the Division as delegated by the Governor to recommend a declaration of emergency as defined in the NC Emergency Management Act.*

**Thanks for clarifying. That said, the rule itself is still unclear. Please amend the Rule to reflect this info.**

**Why did you add a new definition for “Resource Typing” at (21) that is identical to the one for “NC Resource Typing” at (11)? Did you mean to delete (11) altogether?**

**In new (23), which is “Sensitive information”, on line 19, please change “a activation” to “an activation.”**

**In (28), p. 4, line 1, you forgot to delete the original formulation of “State Mission Assignment.”**

**In (28), line 2, did you mean to delete both NCEM and North Carolina Division of Emergency Management? If so, then who approves the request?**

.0403

**It looks like you deleted (d), and made former (e) into new (d). Please format this correctly (see above for the strikethrough/underline guidance) by showing that it used to be (e) with a strikethrough.**

**Since you're deleting "State Mission Assignment" in former (d)(2), do you still need the definition in Rule .0402?**

*In (e), line 28, where is the statutory authority for the LEMC to delegate his or her authority? It looks like the LEMC position is created by statute in G.S. 166A-19.15(b), and I don't see where that provision allows the LEMC to delegate authority. Not saying it isn't there, but I don't see it. Please specify. Deleted.*

**No, it was not deleted. The Rule still states that the LEMC "or their designee shall have the authority to request system resources." Please correct.**

.0404

*In (1), line 5-6, please state with specificity which FEMA ICS and NIMS standards you are incorporating by reference. Please note that G.S. 150B-21.6 requires you to state where these resources can be obtained and at what cost. Please revise.*

**You did not address this request at all. Please revise the rule with the appropriate, specific incorporation.**

*In (2), line 7, what "personnel" must a resource follow? For instance, would the NCEM spokesman be able to direct the activities of a search and rescue team? Please revise for clarity.*

**I think you meant "pursuant" rather than "pursuit" on line 9. Please revise.**

**In (4), you still are incorporating Ch. 132 by reference. Since Ch. 132 applies to DPS as it would any other State agency, it's not necessary to incorporate. Incorporations are more when you're adopting a rule, regulation, or document that doesn't already apply to your agency on its own terms.**

.0405

*In (b), what is "an on-duty status as an emergency management worker"? The referenced statute, G.S. 166A-19.60, defines "emergency management worker", but does not address "on-duty." Please clarify and revise. Done*

**I'm not sure that the revision added clarity here. As amended, it now says that "System Personnel shall be in work as an emergency management worker as defined in G.S. 166A-19.60(e)." Not sure that "in work" is any clearer than "on duty". What exactly are you requiring? That System Personnel also be "emergency management workers"? If so, I think you need to say what that means functionally – what does a member of a contract response team or a specialty response team have to do to be an emergency management worker?**

*In (d), line 14, what does it mean to "maintain all team training"?*

**Changing "team" to "system personnel" really doesn't answer the question, which is what training are you requiring?**

*In (g), line 17, what "documentation" is required? Receipts and expenditure reports.*

**Why not say so in the Rule then?**

*In (g), lines 18-19, where can this Guide be found and at what cost?*

**You did not address this request at all. Please revise the rule with the appropriate, specific incorporation.**

.0407

*All references to "NCEM" and "NC SAR System" should be double checked to make sure they comply with any changes made to 14B NCAC 03 .0402. Also, ensure the abbreviations are used.*

**I've noticed issues with this throughout these rules, but here, specifically, I saw you've got NCEM and "NC Emergency Management" in the same paragraph, (b)(1).**

*Also, in (b)(1), line 19, what is a "memorandum of agreement"? Is this a contract? Yes and we simplified it.*

**I don't see a change to the Rule.**

*In (C), what are “members”? This has not been used before. Is this similar to “personnel”?*  
**I know I didn’t explicitly call it out, but “members” is also used in (b)(1) and (2). Same question here.**

**With respect to (c)(2), I’m a little confused by the addition made here. Who is submitting the bid package? The agency? Or does this refer to the distribution of the bid package as referenced in (c), line 27? I think the issue is that (c)(2) is in the passive tense, so this could be fixed by re-writing in the active tense.**

*In (c)(4), line 33, what are the “agreed upon criteria”? How is this established or what statute or rule is this determination made pursuant to? Who agrees upon this criteria? What informs the regulated public of this review process?* Updated.

**Thanks for making the change. Suggest simplifying to: “This committee will open all completed sealed bid packages and evaluate them based on ~~an agreed upon~~ the criteria as outlined in Rule .0408 of this Section...”**

*Additionally, in (c)(6), lines 1-2, avoid a comma splice and rewrite the subparagraph as “... notified and system agreements shall be drafted and executed...”*

*Further, what are “system agreements”?*

**Thanks for making changes here. I just noticed that you omitted “system” and it’s not showing anymore. Sorry to be picky here, but when you reformat, make sure you’re showing all deletions and all additions.**

*In (c)(7), line 3, the rule states the agreement has to be with the “sponsoring agency”. I thought these agreements were between the NCEM and the contract response team. Please clarify.* The sponsoring agency is the lead agency for a contract response team if they are multi agency teams.

*In (c)(7)(A), lines 5-6, the rule states that the agreement is with the “sponsoring agency”, but then states that the agreement will outline the terms that the “resource” must follow. Aren’t these two different entities? How can the sponsoring agency make an agreement to bind the resource?*

**I’m not sure the changes answer my question. I’m still not clear how the sponsoring agency can enter an agreement with NCEM to bind a third party who isn’t a party to the agreement, unless the “resources” or “team” is somehow subordinate to the sponsoring agency. Perhaps providing a real world example (here, not in the Rule) might clear this up for me? What happens if there is no sponsoring agency?**

*In (c)(7)(A), line 9, is the “contract period” referenced the contract between NCEM and the contract response team? Or is it the period of the two agreements mentioned in line 3? Please clarify.* Clarified.

**Where did the “four-year contract period with an optional one-year extension” come from? If this is a post-publication addition to the Rule that is defining the length of the contract, where it wasn’t previously defined in statute or Rule, I’d say this is a substantial change, in that it creates an effect that couldn’t have been expected based on the published language.**

**Also, it’s not clear—is the contract for 4 years and a 1 year extension, or the agreement, or both?**

*In (c)(7)(C), line 14, how is “search and rescue capability” defined? You’re telling your regulated public they can only use the money for one purpose but don’t define that purpose. Please revise.*

**Changing from “any other purpose other than maintaining or building search and rescue capability” to “any other purpose other than for the purposes of this program” doesn’t really address the issue, which is you’re not saying what the funds shall be used for. Please revise.**

**Also, in revising, please note that “any other purpose other than...” is redundant. Omit one “other”.**

*In (d)(2), line 29, what is “program support”?* Removed

*In (d)(2), line 29, what are “program standards” and how are they developed?* Removed

*In (d)(2), line 30, what is “specialized training”?* Defined

*In (d)(2) line 30, what is “specialized equipment”?* Defined

**As they’re not defined in this Rule, please cross reference the Rule where they are defined.**

**Also, I think as edited the sentence in (d)(2) needs further editing – “NC Emergency Management (should be NCEM, too) shall support training, and equipment requirements within the confines of available funding.” Originally, I asked what “program support” meant, and you just deleted “program”. I still don’t know what support means. It appears to me that you mean that NCEM is going to pay for training and equipment to the extent that NCEM has the funds to do so. But I can’t say that for sure.**

*Also on line 36, what is a “self-supported resource”?*

*In (d)(5), line 2, I thought a specialty rescue team was supposed to be “self-supported”? How can it be self-supported but have agreements with other agencies for support? Please clarify and revise. Self supported when they deploy, but can be made up of several agencies to make a single team.*

**I think you need to revise (d)(4) and (5) to make it clear what you mean by “support” and “self-sufficient.” As currently written, (d)(4) says that a specialty rescue team shall demonstrate their ability to provide a self sufficient team... The team is providing a team? This does not make sense. Then (d)(5) says that the agency that sponsors the team shall have agreements for... support in maintaining the team that supposedly should not need support. I understand that the team should be able to deploy and stay in the field without support, but that does not come through in this Rule.**

.0408

*Also, in (a)(1), how are “bidding entities... submitted”? Please revise.*

**This really hasn’t been addressed. If you read the sentence from (a) through the beginning of (1) as intended, it reads: “Bidding agency shall be submitted via courier, United States Mail, or hand delivered by an authorized representative....” I think you need to amend (a)(1) to say something along the lines of “submit their bids via courier...” so the whole thing reads “Bidding agencies shall submit their bids via courier, United States Mail, or via hand delivery by an authorized....”**

*In (b), what criteria found within 2 CFR Part 200 shall be used in the evaluation? Please specify. This is the Uniform Administrative Requirements for Grants and Agreements. I simplified the language for federal dollars as this would govern from procurement to close out of the grant.*

**If by “federal...procurement rules” you mean 2 CFR Part 200, you still need to incorporate those rules by reference. Also, I think you need to incorporate the state rules by reference as well. Local rules would vary by locality, so it wouldn’t be possible to incorporate them, but if you’re applying state and federal rules here, you need to incorporate them.**

.0409

*In (a)(2), lines 8-9, is it within the authority delegated to the agency by the General Assembly to determine whether personnel is or is not an agent of the State as a matter of law? Yes. See GS 166A-19.60(e) (e)*

**Definition of Emergency Management Worker. - As used in this section, the term "emergency management worker" shall include any full or part-time paid, volunteer, or auxiliary employee of this State or other states, territories, possessions, or the District of Columbia, of the federal government or any neighboring country or of any political subdivision thereof, or of any agency or organization performing emergency management services at any place in this State, subject to the order or control of or pursuant to a request of the State government or any political subdivision thereof. The term "emergency management worker" under this section shall also include any health care worker performing health care services as a member of a hospital-based or county-based State Medical Assistance Team designated by the North Carolina Office of Emergency Medical Services and any person performing emergency health care services under G.S. 90-12.2.**

I read 166A-19.60 to determine who is an emergency management worker, and who is entitled to immunity, rather than who is or is not a state agent. The question is whether there is a statute that allows DPS, through rulemaking, to establish who is a state agent and who is not.

*In Item (a)(5)(B), 12 NCAC 09B .0111(1) is an incorrect reference. The Criminal Justice Education and Training Standards Commission recently revised several of their rules, so please revisit and correct the reference.*

Thanks for making changes. I have questions about the changes to (a)(5). First, on line 18, how are you determining whether someone has “committed” one of the enumerated acts, if they have not been convicted of the same?

Second, on line 26, “misdemeanor” should be plural.

Third, I think you’re adding a new requirement here, that was not in the published text. The original language did not include the “four or more crimes” clause that you’ve added. Adding this after publication is, in my view, a substantial change under G.S. 150B-21.2(g) in that it creates an effect not contemplated by the published text and/or affects a group of people who would not have known their interests would be affected by the published text (i.e. people who have 4 or more misdemeanor convictions). Was this somewhere in the published text that I missed?

*In (c), (e), and (f), where are the “Type I” and “Type II” teams outlined or created?*  
You didn’t address this. Please answer and revise the rule as necessary.

*And what is the federal “Equivalent Course”.* A course that has the same or similar curriculum I see you added a link to the FEMA Structural Collapse Specialist Course, and I think this is good, except for one problem. I followed the link and couldn’t find the course. Can you add a more specific link?

*In the subparagraphs (e)(1) through (3), how is “training that meets or exceeds training requirements” met?* It is done by the NC SAR Team Advisory Committee.  
What is done? What does the TAC do?

In (f)(1)(K), line 6, I noticed “harness” should be plural. Please check this entire rule for number agreement, as it was an issue throughout, and while I’ve tried to call out all issues for you, I may have missed one or two.

On p. 6, line 34, fix the alignment on (3), as it’s been tabbed over too far to the right.

*In (i) and (k)(2)(I), what is in the “set” of rain gear, and, in (i)(2)(L), the “fire starting kit”.*  
Looks good, thanks for making the edit. In (i)(2)(I) and (j)(2)(H), can you please say “a” jacket and “a” pair of pants? Just to get the numbers right.

In (j)(1), I think it might read better if you broke this into two sentences. For instance: “A mountain rescue team shall maintain a roster of no less than eight personnel who have completed the NC Mountain Rescue Operations Course. Of those eight, two personnel shall have also completed the NC Mountain Rescue Technician Level Course.”

On p. 9, line 20, fix the alignment on (3), as it’s been tabbed over too far to the right.

In (j)(2)(K), line 16, you don’t need to incorporate the FEMA ICS 214 form by reference again, since you already did it earlier in the Rule.

*In (b) and the items under it, the text could use a rewrite for clarity. For instance, (b) is in the passive tense and could be simplified. Similarly, (b)(1) and (2) are more verbose than necessary. Please revise and simplify.*

**I think (b) is still in the passive tense. Consider (if this is correct): “Within 30 days of the audit, NCEM personnel shall complete, file, and email to the Sponsoring Agency an audit report documenting the audit team’s findings.”**

**While (b)(1) is better, I think (b)(2) is still unclear, and references the disciplinary committee that has been deleted in paragraph (c).**

**Thanks for the hard work on this. Please response to these further requests as soon as possible, but no later than Friday, March 10. If you have questions about any of these, I’d be happy to discuss.**

Best,  
Brian

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---

**From:** Polk, Will (CCPS) <[Will.Polk@ncdps.gov](mailto:Will.Polk@ncdps.gov)>  
**Sent:** Friday, February 10, 2023 5:30 PM  
**To:** Liebman, Brian R <[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)>  
**Cc:** McDonald, Margaret (CCPS) <[margaret.mcdonald@ncdps.gov](mailto:margaret.mcdonald@ncdps.gov)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Barnes, Brian (NCEM) <[Brian.Barnes@ncdps.gov](mailto:Brian.Barnes@ncdps.gov)>  
**Subject:** RE: 14B NCAC 03 Requests for Changes - January 2023 RRC

Good afternoon Brian,

I hope you are doing well. Attached is our responses to your questions and edits to the rules. Please feel free to reach out if you still have questions. I am going to request to withdraw 14B NCAC 03 .0404 as after further review, it is my view that this is more internal operation of teams and management within the agency and not necessary to codify in the Admin code.

Have a good weekend.

Best,  
Will

**Will Polk**  
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**From:** Liebman, Brian R <[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)>  
**Sent:** Wednesday, February 1, 2023 5:36 PM  
**To:** Polk, Will (CCPS) <[Will.Polk@ncdps.gov](mailto:Will.Polk@ncdps.gov)>  
**Cc:** McDonald, Margaret (CCPS) <[margaret.mcdonald@ncdps.gov](mailto:margaret.mcdonald@ncdps.gov)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Barnes, Brian (NCEM) <[Brian.Barnes@ncdps.gov](mailto:Brian.Barnes@ncdps.gov)>  
**Subject:** RE: 14B NCAC 03 Requests for Changes - January 2023 RRC

Will,

While I don't have a problem meeting with you to discuss your written responses, I think the best course is for you to submit written responses, then set up a meeting if there is a reason for further discussion.

We discussed a deadline for February of Friday, 2/3, so I'm not sure if you're indicating that you won't be meeting that deadline—which is fine, you can go to March—or if you'll be submitting written responses on Friday and then want to talk thereafter.

Thanks,  
Brian

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**From:** Polk, Will (CCPS) <[Will.Polk@ncdps.gov](mailto:Will.Polk@ncdps.gov)>  
**Sent:** Wednesday, February 1, 2023 5:27 PM  
**To:** Liebman, Brian R <[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)>  
**Cc:** McDonald, Margaret (CCPS) <[margaret.mcdonald@ncdps.gov](mailto:margaret.mcdonald@ncdps.gov)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Barnes, Brian (NCEM) <[Brian.Barnes@ncdps.gov](mailto:Brian.Barnes@ncdps.gov)>  
**Subject:** RE: 14B NCAC 03 Requests for Changes - January 2023 RRC

Hi Brian,

I hope you are doing well. I've been working with the Division on these rules. I was checking to see if we could set up a meeting to respond to some of your questions. We can meet next Tuesday between 10 and 4 or Thursday after 3 p.m. We can do it via Microsoft teams.

Please let me know if either of those days work for you.

Best,  
Will

**Will Polk**  
**Deputy General Counsel**



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**From:** Liebman, Brian R <[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)>  
**Sent:** Thursday, January 5, 2023 10:07 AM  
**To:** Polk, Will (CCPS) <[Will.Polk@ncdps.gov](mailto:Will.Polk@ncdps.gov)>  
**Cc:** McDonald, Margaret (CCPS) <[margaret.mcdonald@ncdps.gov](mailto:margaret.mcdonald@ncdps.gov)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** 14B NCAC 03 Requests for Changes - January 2023 RRC

Good morning,

I'm the attorney who reviewed the Rules submitted by the Department for the January 2023 RRC meeting. The RRC will formally review these Rules at its meeting on Thursday, January 19, 2023, at 9:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an evite should be sent to you as we get closer to the meeting. If there are any other representatives from your agency who will want to attend virtually, let me know prior to the meeting, and we will get evites out to them as well.

Please submit the revised Rules and forms to me via email, no later than 5 p.m. on Friday, January 13, 2023.

In the meantime, please do not hesitate to reach out via email with any questions or concerns.

Thanks,

Brian

Brian Liebman

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## Burgos, Alexander N

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**Subject:** FW: 14B NCAC 03 Requests for Changes - January 2023 RRC

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**From:** Liebman, Brian R <brian.liebman@oah.nc.gov>  
**Sent:** Monday, March 13, 2023 3:40 PM  
**To:** Polk, Will (CCPS) <Will.Polk@ncdps.gov>  
**Cc:** McDonald, Margaret (CCPS) <margaret.mcdonald@ncdps.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Barnes, Brian (NCEM) <Brian.Barnes@ncdps.gov>  
**Subject:** RE: 14B NCAC 03 Requests for Changes - January 2023 RRC

I will call you. Give me 2 minutes to get set up.

Brian Liebman  
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**From:** Polk, Will (CCPS) <[Will.Polk@ncdps.gov](mailto:Will.Polk@ncdps.gov)>  
**Sent:** Monday, March 13, 2023 3:38 PM  
**To:** Liebman, Brian R <[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)>  
**Cc:** McDonald, Margaret (CCPS) <[margaret.mcdonald@ncdps.gov](mailto:margaret.mcdonald@ncdps.gov)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Barnes, Brian (NCEM) <[Brian.Barnes@ncdps.gov](mailto:Brian.Barnes@ncdps.gov)>  
**Subject:** RE: 14B NCAC 03 Requests for Changes - January 2023 RRC

We can join you. What is best number to reach you or you can call my mobile 919-219-4534

**Will Polk**  
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**From:** Liebman, Brian R <brian.liebman@oah.nc.gov>  
**Sent:** Monday, March 13, 2023 3:37 PM  
**To:** Polk, Will (CCPS) <[Will.Polk@ncdps.gov](mailto:Will.Polk@ncdps.gov)>  
**Cc:** McDonald, Margaret (CCPS) <[margaret.mcdonald@ncdps.gov](mailto:margaret.mcdonald@ncdps.gov)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Barnes, Brian (NCEM) <[Brian.Barnes@ncdps.gov](mailto:Brian.Barnes@ncdps.gov)>  
**Subject:** RE: 14B NCAC 03 Requests for Changes - January 2023 RRC

Sounds good.

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**From:** Polk, Will (CCPS) <[Will.Polk@ncdps.gov](mailto:Will.Polk@ncdps.gov)>  
**Sent:** Monday, March 13, 2023 3:36 PM  
**To:** Liebman, Brian R <[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)>  
**Cc:** McDonald, Margaret (CCPS) <[margaret.mcdonald@ncdps.gov](mailto:margaret.mcdonald@ncdps.gov)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Barnes, Brian (NCEM) <[Brian.Barnes@ncdps.gov](mailto:Brian.Barnes@ncdps.gov)>  
**Subject:** RE: 14B NCAC 03 Requests for Changes - January 2023 RRC

I am until 4 pm. Let me see if I can get Barnes to join us as well.

**Will Polk**  
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**From:** Liebman, Brian R <[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)>  
**Sent:** Monday, March 13, 2023 3:32 PM  
**To:** Polk, Will (CCPS) <[Will.Polk@ncdps.gov](mailto:Will.Polk@ncdps.gov)>  
**Cc:** McDonald, Margaret (CCPS) <[margaret.mcdonald@ncdps.gov](mailto:margaret.mcdonald@ncdps.gov)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Barnes, Brian (NCEM) <[Brian.Barnes@ncdps.gov](mailto:Brian.Barnes@ncdps.gov)>  
**Subject:** RE: 14B NCAC 03 Requests for Changes - January 2023 RRC

Will,

If you're free, I'm available for a phone call about these rules now until 5.

Brian

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## Burgos, Alexander N

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**Subject:** FW: 14B NCAC 03 Requests for Changes - January 2023 RRC

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**From:** Polk, Will (CCPS) <Will.Polk@ncdps.gov>  
**Sent:** Sunday, March 12, 2023 8:18 PM  
**To:** Liebman, Brian R <brian.liebman@oah.nc.gov>  
**Cc:** McDonald, Margaret (CCPS) <margaret.mcdonald@ncdps.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Barnes, Brian (NCEM) <Brian.Barnes@ncdps.gov>  
**Subject:** RE: 14B NCAC 03 Requests for Changes - January 2023 RRC

Hi Brian,

I'm sorry to hear that and I do hope you get better. Yes, if you do feel better please let me know and we can talk on the phone on Monday.

Best,  
Will

**Will Polk**  
**Deputy General Counsel**  
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**From:** Liebman, Brian R <[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)>  
**Sent:** Sunday, March 12, 2023 5:35 PM  
**To:** Polk, Will (CCPS) <[Will.Polk@ncdps.gov](mailto:Will.Polk@ncdps.gov)>  
**Cc:** McDonald, Margaret (CCPS) <[margaret.mcdonald@ncdps.gov](mailto:margaret.mcdonald@ncdps.gov)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Barnes, Brian (NCEM) <[Brian.Barnes@ncdps.gov](mailto:Brian.Barnes@ncdps.gov)>  
**Subject:** Re: 14B NCAC 03 Requests for Changes - January 2023 RRC

Will,

Unfortunately, I seem to have come down with that gastrointestinal virus going around, and I am going to be out of the office Monday.

However, I have my laptop here at home, and I know you're up against a deadline with your rules. So, depending on how I feel we might be able to talk on the phone Monday afternoon. I will let you know if I'm up to it.

Brian

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## Burgos, Alexander N

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**Subject:** FW: 14B NCAC 03 Requests for Changes - January 2023 RRC  
**Attachments:** 14B NCAC 03 .0407.docx; 14B NCAC 03 .0404.docx

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**From:** Polk, Will (CCPS) <Will.Polk@ncdps.gov>  
**Sent:** Saturday, March 11, 2023 12:43 PM  
**To:** Liebman, Brian R <brian.liebman@oah.nc.gov>  
**Cc:** McDonald, Margaret (CCPS) <margaret.mcdonald@ncdps.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Barnes, Brian (NCEM) <Brian.Barnes@ncdps.gov>  
**Subject:** RE: 14B NCAC 03 Requests for Changes - January 2023 RRC

Hi Brian,

See a my comments below in italics and red, if you have additional concerns on authority issues for .0404 and .0405 we can discuss on Monday.

**Will Polk**  
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**From:** Liebman, Brian R <[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)>  
**Sent:** Friday, March 10, 2023 6:33 PM  
**To:** Polk, Will (CCPS) <[Will.Polk@ncdps.gov](mailto:Will.Polk@ncdps.gov)>  
**Cc:** McDonald, Margaret (CCPS) <[margaret.mcdonald@ncdps.gov](mailto:margaret.mcdonald@ncdps.gov)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Barnes, Brian (NCEM) <[Brian.Barnes@ncdps.gov](mailto:Brian.Barnes@ncdps.gov)>  
**Subject:** RE: 14B NCAC 03 Requests for Changes - January 2023 RRC

Will,

I have gotten through several of the new rules you sent me, and so far, everything looks pretty good, with one exception in Rule .0409.

As of now, I will recommend approval of .0401, .0402, .0403, .0406, .0407, .0408, and .0410. Approval of .0406 and .0407 is contingent on making the changes below, which are minor, and shouldn't be an issue.

.0404

I think you should use the formal title of the NIMS document you're incorporating by reference.

I looked at the link, and it's 133 pages. My only concern is if there is anything in this guide that you're requiring, but would exceed your statutory authority. Can you confirm that?

On line 16, delete “the” before “Chapter 132”.**[Polk, Will]** *NIMS is set of principles and policies and not a law but more operational principles that at the foundations of EM that federal, state, local, and tribal agencies follow. Everything within the NIMS document is the fundamental basis for emergency management operations and those principles are baked in the Chapter 166A of the General Statutes and specifically Article 6 and more on point with Rule .0404, GS 166A-66 and does not exceed our authority.*

*Rule .0404 is consistent with the NIMS document and we are not requiring SAR system resources to follow anything that we are not already following under our own statutory authority.*

.0405

I have similar questions about the FEMA policy guide incorporated by reference in (g). It’s 277 pages. Is there anything in here that would exceed your statutory authority?**[Polk, Will]** *The Public Assistance Policy Guide (PAPPA-G) sets the policy that FEMA will reimburse eligible costs to applicants when engaged in disaster response/recovery. Our state laws and this rule are consistent with the section 406 of Stafford Act, the corresponding regulations for Public Assistance (reimbursements to governments not individuals) in 44 CFR, and 2 CFR Part 200, subparts E and F, and Appendix II which the PAPPA-G is based off. The elements in .0405 are consistent with what would be eligible under federal reimbursement if the SAR systems resources are deployed to assist in a federally declared disaster to respond to an event.*

.0406

I’m recommending approval, but please fix the tabbing in (b).**[Polk, Will]** *Done*

.0407

I’m recommending approval, but please in (c)(3), line 36, delete “the” prior to “criteria”.**[Polk, Will]** *Done.*

Now that you made clear to me what the difference is between Contract Response Teams and Specialty Response Teams, in terms of agreements, funding, and provision of equipment, I think the existing language is fine. My previous questions/concerns didn’t take into consideration that the agency was treating these different kind of teams differently.**[Polk, Will]** *Acknowledged.*

.0409

In (a)(5), line 19, the addition of “by not having been convicted by a local, state, federal, or military court of:” makes many of the subparagraphs below ungrammatical. For instance, in (C), it reads “not having by not having been convicted by a local, state, federal, or military court of: . . . not having been convicted of an offense...” Similarly, in (D), you get “by not having been convicted by a local, state, federal, or military court of: . . . being truthful in providing information...” I think you probably can omit the addition, restore “not having been convicted of” to (A), and be fine.**[Polk, Will]**

In (a)(5)(B), lines 23-24, did you mean to delete “for five years or the completion of any corrections supervision imposed by the courts, whichever is later”? It’s hanging out there after a period (which should also be deleted, FYI), and was language I had already flagged as unclear.**[Polk, Will]** *Updated and restored in text.*

Also in (a)(5)(B), line 21, are you sure about this reference? 12 NCAC 09B .0111(3) doesn’t define misdemeanor, it just says an officer shall not have been convicted of a Class B misdemeanor. The definition of “misdemeanor” is in 12B NCAC 09A .0103(24).**[Polk, Will]** *Fixed, will submit the final draft after we discuss the USAR and Swiftwater team.*

I have an issue with what you’ve done with the USAR and Swiftwater teams, in (c)(1) and (e)(1). It looks like you added incorporations by reference to a FEMA tool which defines the amount of personnel and equipment for each kind of Type I, II, and III team. However, those definitions don’t line up with what’s in your rule. For instance, in (e)(1), you have minimum personnel of 32, 24, and 16 for a type I, II, and III team, respectively, while the FEMA doc says 16, 12, and 6, respectively. There may be other inconsistencies, but one is enough to make this unclear and ambiguous. Moreover, by locating the incorporation in the Type I definition for USAR and Swiftwater and none other, its not clear it applies to all the other teams. Also, to the extent that these FEMA documents are changing the requirements that you published, I think you’re making a substantial change to your rules.**[Polk, Will]** *We can discuss on Monday.*



If you'd like to discuss again on Monday, I'd be more than happy to have another call with you, if you think that would help.

Thanks,  
Brian

Brian Liebman  
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**To:** Polk, Will (CCPS) <[Will.Polk@ncdps.gov](mailto:Will.Polk@ncdps.gov)>  
**Cc:** McDonald, Margaret (CCPS) <[margaret.mcdonald@ncdps.gov](mailto:margaret.mcdonald@ncdps.gov)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Barnes, Brian (NCEM) <[Brian.Barnes@ncdps.gov](mailto:Brian.Barnes@ncdps.gov)>  
**Subject:** RE: 14B NCAC 03 Requests for Changes - January 2023 RRC

Thanks Will, I will take a look and hopefully get back to you tomorrow.

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**Subject:** RE: 14B NCAC 03 Requests for Changes - January 2023 RRC

Good afternoon Brian,

I hope you are doing well. Attached our revisions to the rules from our meeting last week. There was one item which is flagged on Rule .0407 that you said you were going to give us some feedback on the bid/procurement language in that rule.

Feel free to reach out if you have any additional questions/comments/edits.

Best,  
Will Polk

**Will Polk**  
**Deputy General Counsel**  
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[www.ncdps.gov](http://www.ncdps.gov)



1 14B NCAC 03 .0404 is adopted as published in 37:04 NCR 322 with changes as follows:

2  
3 **14B NCAC 03 .0404 ON-SITE OPERATIONS OF A CONTRACT RESPONSE TEAM SYSTEM**  
4 **RESOURCES**

5 All search and rescue system resources shall operate in accordance with the following standards of response:

- 6 (1) (a) FEMA ICS and NIMS National Incident Management System standards which are adopted and are  
7 incorporated by reference with subsequent changes or amendments pursuant to G.S. ~~150B-21.6;~~  
8 150B-21.6 and can be found at no cost at: [https://www.fema.gov/sites/default/files/2020-](https://www.fema.gov/sites/default/files/2020-07/fema_nims_doctrine-2017.pdf)  
9 07/fema\_nims\_doctrine-2017.pdf;
- 10 (2) (b) following all direction from NCEM ~~personnel;~~ personnel acting pursuant to G.S. 166A-19.12(1)  
11 when deploying as a system resource;
- 12 (3) (c) when responding in support of law enforcement operations, ~~resources~~ system resources shall  
13 coordinate ~~activities~~ activities with the law enforcement authorities to ensure their actions support any  
14 potential criminal ~~investigation.~~ investigation; and
- 15 (4) (d) ~~resources~~ system resources shall not release any sensitive information to the public or media during  
16 operations without the consent of the local, state, or federal authority having jurisdiction consistent  
17 with ~~the~~ Chapter 132 of the North Carolina General ~~Statutes~~ Statutes, ~~which is adopted and~~  
18 ~~incorporated by references with subsequent changes or amendments pursuant to G.S. 150B-21.6;~~  
19 ~~and G.S. 150B-21.6.~~
- 20 (5) ~~state and federal law.~~

21  
22 *History Note: Authority G.S. 166A-66, National Incident Management System, 3<sup>rd</sup> Edition;*  
23 *Eff. ~~January~~ April 1, 2023.*  
24

1 14B NCAC 03 .0407 is adopted as published in 37:04 NCR 322-324 with changes as follows:

2

3 **14B NCAC 03 .0407 PROCEDURES FOR BIDDING AND CONTRACTING FOR SEARCH AND**  
4 **RESCUE TEAM AND SPECIALTY RESCUE TEAM MISSION**

5 (a) Eligibility for participation as a ~~contract~~ Contract or ~~specialty rescue team~~ Specialty Rescue Team:

- 6 (1) Sponsoring agencies ~~must~~ shall:
- 7 (A) ~~Be~~ be a local unit of government, ~~state recognized~~ State-recognized tribal government, or
- 8 a corporation with ~~maintain~~ an active response agreement with a local or tribal unit of
- 9 government;
- 10 (B) ~~Maintain~~ maintain participation in the statewide mutual aid agreement; and
- 11 (C) ~~Ensure~~ ensure all ~~members~~ personnel possess the qualifications as outlined in Rule .0409
- 12 of this ~~Section~~. ~~Section which is adopted and incorporated by reference with subsequent~~
- 13 ~~changes or amendments pursuant to G.S. 150B-21-6.~~
- 14 (2) Participating agencies shall ensure all ~~members~~ personnel possess the qualifications as outlined in
- 15 Rule .0409 of this ~~Section~~. ~~Section which is adopted and incorporated by reference with subsequent~~
- 16 ~~changes or amendments pursuant to G.S. 150B-21-6.~~

17 (b) Eligibility for participation as personnel. ~~on an incident support team.~~

- 18 (1) Personnel shall be ~~from a participating member of the NC SAR System, NCEM All-Hazards~~
- 19 ~~Incident Management Team Program, or an employee of NC Emergency Management.~~ NCEM. If
- 20 not an employee of NCEM, each member's ~~sponsoring agency~~ Sponsoring Agency ~~must~~ shall have
- 21 an active ~~memorandum of agreement~~ system agreement that outlines the conditions of their
- 22 participation. ~~on an incident support team.~~
- 23 (2) ~~Ensure~~ NCEM shall ensure all ~~members~~ personnel possess the qualifications as outlined in Rule
- 24 .0409 of this ~~Section~~. ~~Section which is adopted and incorporated by reference with subsequent~~
- 25 ~~changes or amendments pursuant to G.S. 150B-21-6.~~

26 (c) Contract Response Teams – Within 18 months of the first day of the contractual performance, ~~a new contract~~

27 ~~period~~, NCEM shall electronically distribute a bid announcement via electronic mail to all system resources and local

28 emergency management coordinators for interested parties to return a letter of interest. ~~interest by a specified date.~~

29 NCEM shall distribute an electronic bid package to all interested parties that ~~must~~ shall be returned to NCEM. ~~NCEM~~

30 ~~by a date specified in the bid package.~~

- 31 (1) ~~Contract response teams~~ Response Teams shall be limited to seven regionally based all hazard
- 32 response taskforces. Each taskforce will be assigned a primary response region in the state.
- 33 ~~(2) Bid packages shall be submitted for a specific single response region.~~
- 34 ~~(2)~~ The bidding agency and any participating agencies shall be located in that specified response region.
- 35 ~~(3)~~ A review committee shall be established by the NCEM Director or designee. This committee will
- 36 open all completed sealed bid packages and evaluate them based on an agreed upon the criteria as
- 37 outlined in Rule .0408 of this Section ~~This committee will open all completed sealed bid packages~~

1 and evaluate them based on an agreed upon criteria at a date set by the NCEM Director ~~Director~~ or  
2 designee.

3 (5) (4) The committee shall develop a bid package review summary that includes their recommendations  
4 for selections that will be sent to the NCEM Operations Section Chief for concurrence before being  
5 reviewed and approved by the NCEM Director.

6 (6) (5) Agencies who are successful in the bid process will be ~~notified~~, notified and system agreements  
7 shall be drafted and executed. ~~Agreements shall be drafted, and executed by all parties for the agreed~~  
8 ~~upon period.~~

9 (7) (6) NCEM shall draft, execute, and maintain ~~two agreements~~ a system agreement with the sponsoring  
10 agency for the resource to maintain participation in the ~~program~~ NC SAR System.

11 (A) NCEM shall execute and maintain a ~~cooperative agreement~~ system agreement with the  
12 sponsoring agency that outlines the ~~conditions and activities~~ scope of work that the  
13 resource ~~must~~ team shall follow to enable reimbursement of eligible training, equipment,  
14 and ~~personnel-administrative~~ costs associated with maintaining a ~~contract response team~~  
15 Contract Response Team. The ~~cooperative agreement~~ system agreement shall be limited to  
16 the contract period.

17 (B) Funds reimbursed through this agreement shall go directly to cover program costs and be  
18 utilized by the ~~sponsoring~~ Sponsoring and/or and participating Participating agencies.

19 (C) The ~~sponsoring agency~~ Sponsoring Agency shall maintain all records of any ~~program~~ NC  
20 SAR System spending and shall not commingle funds or use ~~program~~ NC SAR System  
21 funding for any other purpose, ~~other than maintaining or building search and rescue~~  
22 ~~capability~~.

23 (D) Each ~~sponsoring agency~~ Sponsoring Agency is responsible to draft, execute, and maintain  
24 agreements with ~~any each~~ participating agency that is supporting their bid for a ~~contract~~  
25 ~~response team~~ Contract Response Team with personnel, equipment, or funding. NCEM  
26 ~~may provide a template agreement for use between sponsoring and participating agencies~~.  
27 The ~~sponsoring agency~~ Sponsoring Agency may include any participating agency  
28 resources in their bid package, ~~as long as they have an active agreement~~.

29 (E) Resources shall maintain a response agreement with NCEM that outlines ~~response~~  
30 ~~activities~~ the activation process and the reimbursement process for costs of state missions.

31 (d) ~~Specialty Rescue Teams - NC Emergency Management~~ NCEM shall enter into response agreements with  
32 Sponsoring Agencies to establish specialty rescue teams to ensure statewide response capability in ~~certain~~ established  
33 NC SAR System program areas.

34 (1) These program areas shall ~~include~~ be:

35 (A) Swiftwater Search and Rescue;

36 (B) Wilderness / Land Search and Rescue;

37 (C) Mountain Search and Rescue; and

Commented [A1]: Follow up with RRC Counsel as he was reviewing this and going to get back to us as it relates to bids et el.

(D) Helicopter Search and Rescue

- (2) ~~NC Emergency Management NCEM shall provide program support in establishing program standards, supporting specialized support system resources with training, training and providing specialized equipment within the confines of available funding. Participation as a specialty rescue team Specialty Rescue Team is considered at will by either party to the extent that agreements and can be terminated with or without cause by either party with a 30-day notice.~~
- (3) ~~Each qualified resource Sponsoring Agency shall enter into a response agreement specific to each established program area with NCEM. The resource will then enter into a memorandum of understanding system agreement with NCEM that shall be referred to as a specialty rescue team Specialty Rescue Team response agreement.~~
- (4) ~~Specialty Rescue Teams rescue teams must shall demonstrate their ability to deploy respond as a self-supported self-sufficient resource team outside their jurisdiction to be eligible to participate in the NC SAR System. Specialty Rescue Teams shall provide all support requirements for their deployed personnel and equipment for a period of 72 hours from deployment without outside support.~~
- (5) ~~Each Sponsoring Agency of a Specialty Rescue Team specialty rescue team is responsible to shall draft, execute, and maintain agreements with any each Participating Agency participating agency that is supporting the Sponsoring Agency sponsoring agency for in maintaining a Specialty Response Team specialty response team with personnel, equipment, or funding. NCEM may provide a template agreement for use between sponsoring and participating agencies.~~

History Note: Authority G.S. 166A-65; 166A-66; 166A-67;  
Eff. January April 1, 2023.

## Burgos, Alexander N

---

**Subject:** FW: 14B NCAC 03 Requests for Changes - January 2023 RRC

---

**From:** Polk, Will (CCPS) <Will.Polk@ncdps.gov>

**Sent:** Friday, March 10, 2023 8:24 AM

**To:** Liebman, Brian R <brian.liebman@oah.nc.gov>

**Cc:** McDonald, Margaret (CCPS) <margaret.mcdonald@ncdps.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Barnes, Brian (NCEM) <Brian.Barnes@ncdps.gov>

**Subject:** RE: 14B NCAC 03 Requests for Changes - January 2023 RRC

Good morning Brian,

Thank you very much for the feedback and I look forward to hearing from you today.

Best,

Will

**Will Polk**

**Deputy General Counsel**

**NC Department of Public Safety**

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## Burgos, Alexander N

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**Subject:** FW: 14B NCAC 03 Requests for Changes - January 2023 RRC

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**From:** Liebman, Brian R <brian.liebman@oah.nc.gov>

**Sent:** Thursday, March 9, 2023 6:26 PM

**To:** Polk, Will (CCPS) <Will.Polk@ncdps.gov>

**Cc:** McDonald, Margaret (CCPS) <margaret.mcdonald@ncdps.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Barnes, Brian (NCEM) <Brian.Barnes@ncdps.gov>

**Subject:** RE: 14B NCAC 03 Requests for Changes - January 2023 RRC

Will,

I've reviewed most of your rules, and so far, I think they're looking good. I will get back to you with final recommendations tomorrow, as I want to look closer at a few of the rules that we did a lot of work on, but figured I'd just let you know I haven't forgotten you, and will have something to you tomorrow.

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**Subject:** FW: 14B NCAC 03 Requests for Changes - January 2023 RRC  
**Attachments:** 14B NCAC 03 .0401.docx; 14B NCAC 03 .0402.docx; 14B NCAC 03 .0403.docx; 14B NCAC 03 .0404.docx; 14B NCAC 03 .0405.docx; 14B NCAC 03 .0406.docx; 14B NCAC 03 .0407.docx; 14B NCAC 03 .0408.docx; 14B NCAC 03 .0409.docx; 14B NCAC 03 .0410.docx

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1 14B NCAC 03 .0401 is adopted as published in 37:04 NCR 320 with changes as follows:

2

3 **SECTION .0400 – NORTH CAROLINA SEARCH AND RESCUE ~~PROGRAM~~ SYSTEM**

4

5 **14B NCAC 03 .0401 PURPOSE**

6 (a) The purpose of this section is to prescribe requirements pertaining to the North Carolina Department of Public  
7 ~~Safety~~ Safety's Division of Emergency Management administered North Carolina Search and Rescue ~~Program~~  
8 System.

9 (b) This section applies to ~~Sponsoring Agencies and other participants in the North Carolina Search and Rescue~~  
10 ~~Program that have executed agreements administered by the North Carolina Division of Emergency Management.~~ all  
11 persons or entities of the North Carolina Search and Rescue Program made parties pursuant to G.S. 166A-66(a)(9).

12

13 *History Note: Authority G.S. 166A-66;*  
14 *Eff. ~~January~~ April 1, 2023.*

15

1 14B NCAC 03 .0402 is adopted as published in 37:04 NCR 320-321 with changes as follows:

2  
3 **14B NCAC 03 .0402 ABBREVIATIONS AND DEFINITIONS**

4 As used in this Section the following abbreviations and terms mean:

5 (1) ~~“Activation” means the status of a system resource placed at the direction, control, and funding of~~  
6 ~~NCEM as part of the NC SAR System.~~

7 ~~(2) All hazards Disaster Response Model – “All-hazards Disaster Response Model” means a response~~  
8 ~~methodology where resources system resources provide all applicable capability to respond to any~~  
9 ~~threats threat or hazard that is impacting the State or has the potential is forecasted to impact the~~  
10 ~~state State as determined by the NCEM Director.~~

11 ~~(2) (3) Authority Having Jurisdiction (AHJ)– “Authority Having Jurisdiction” (AHJ) means those local,~~  
12 ~~state, state, or federal entities having response authority a duty to act over a specific aspect of search~~  
13 ~~and rescue in a specific geographic area.~~

14 ~~(3) (4) Contract Response Team – A “Contract Response Team” means a regional all-hazards disaster~~  
15 ~~response contract response team as defined in G.S. 166A-65 which is adopted and incorporated by~~  
16 ~~reference with subsequent changes or amendments pursuant to G.S. 150B-21.6 capable of~~  
17 ~~conducting urban search and rescue, swiftwater rescue, and wide area search operations with self-~~  
18 ~~sustaining logistical support allowing for responses into disaster areas.~~

19 ~~(4) (5) County to County Mutual Aid – “County to County Mutual Aid” means public safety resource~~  
20 ~~Resourcee sharing between county public safety resourcees local governments under the conditions~~  
21 ~~of the NC Statewide Mutual Aid Agreement or another similar agreement between local~~  
22 ~~governments.~~

23 ~~(5) (6) Federal Emergency Management Agency (FEMA) – “Federal Emergency Management Agency”~~  
24 ~~(FEMA) means is an agency of the United States Department of Homeland Security with the~~  
25 ~~responsibility to coordinate the federal response to a Presidentially-declared disasters that has~~  
26 ~~occurred in the United States States, and that overwhelms the resourcees of local and state authorities.~~

27 ~~(6) (7) FEMA Public Assistance Program – is “FEMA Public Assistance Program” means a federal~~  
28 ~~reimbursement grant program that provides federal funding to help communities respond to and~~  
29 ~~recover from disasters.~~

30 ~~(8) “Functionally equivalent” means an item or group of items that can be used in the same basic manner~~  
31 ~~as another item or items to perform a task to the same standard.~~

32 ~~(7) Incident Command System (ICS) – A standardized on scene emergency management construct~~  
33 ~~specifically designed to provide an integrated organizational structure that reflects the complexity~~  
34 ~~and demands of single or multiple incidents, without being hindered by jurisdictional boundaries.~~  
35 ~~The Incident Command System is the combination of facilities, equipment, personnel, procedures,~~  
36 ~~and communications operating within a common organizational structure, designed to aid in the~~  
37 ~~management of resources during incidents. ICS is used for all kinds of emergencies and is applicable~~

1 to small as well as large and complex incidents. ICS is used by various jurisdictions and functional  
2 agencies, both public and private, to organize field level incident management operations.

3 (8) ~~Incident Support Team (IST) — A group of search and rescue experts who assist local and state~~  
4 ~~emergency management in management and support of deployed search and rescue system~~  
5 ~~resources.~~

6 (9) ~~Local Emergency Management Coordinator (LEMC) — The “Local Emergency Management~~  
7 ~~Coordinator” (LEMC) means the County Emergency Management Coordinator as defined in G.S.~~  
8 ~~166A-19.15 who is responsible for all local disaster preparedness, response, and recovery activities~~  
9 ~~in a specific geographic area county.~~

10 (10) ~~NC All Hazards Incident Management Team (NCAHIMT) — The “NC All-Hazards Incident~~  
11 ~~Management Team” (NCAHIMT) mean the North Carolina Division of Emergency Management’s~~  
12 ~~program responsible for supporting local and state incident management requirements in local and~~  
13 ~~state during disaster response activities.~~

14 (11) ~~NC Resource Typing — A document defining and categorizing, by capability, the resources~~  
15 ~~requested, deployed, and used in incidents. Resource typing definitions establish a common~~  
16 ~~language and defines define a resource's minimum capabilities for equipment, teams, and units.~~

17 (12) (11) ~~North Carolina Search and Rescue System (NC SAR System) — The “North Carolina Search and~~  
18 ~~Rescue System” (NC SAR System) means the NC Search and Rescue Program state search and~~  
19 ~~rescue program established in Article 6 of Chapter 166A of the North Carolina General Statutes.~~  
20 ~~The NC SAR System includes five individual programs: Urban Search and Rescue, Swiftwater~~  
21 ~~Rescue, Helicopter Rescue, Mountain Rescue, and Wilderness Search and Rescue.~~

22 (13) (12) ~~North Carolina Search and Rescue Technical Advisory Committee (NC SAR TAC) — An “North~~  
23 ~~Carolina Search and Rescue Team Advisory Committee” (NC SAR TAC) means an advisory~~  
24 ~~committee established in Article 6 of Chapter 166A of the North Carolina General Statutes to advise~~  
25 ~~the Secretary of the North Carolina Department of Public Safety and the North Carolina Division of~~  
26 ~~Emergency Management on the establishment of a search and rescue system the North Carolina~~  
27 ~~Search and Rescue System.~~

28 (14) (13) ~~North Carolina Emergency Management (NCEM) — A “North Carolina Division of Emergency~~  
29 ~~Management” (NCEM) means a division of the North Carolina Department of Public Safety~~  
30 ~~established in G.S. 143B-1000 with the responsibility to coordinate the mitigation, planning,~~  
31 ~~preparedness, response, and recovery to a disaster or emergency that has or could is forecasted to~~  
32 ~~occur in the State. State as determined by the NCEM Director.~~

33 (15) (14) ~~North Carolina Emergency Management Operations Chief (NCEM OSC) — The “North Carolina~~  
34 ~~Emergency Management Operations Chief” (NCEM OSC) means the Assistant Director of~~  
35 ~~Operations for the North Carolina Division of Emergency Management.~~

- 1 ~~(16)~~ (15) North Carolina Emergency Management Director (NCEM Director)—The “North Carolina  
2 Emergency Management Director” (NCEM Director) means the Director of the North Carolina  
3 Division of Emergency Management.
- 4 ~~(17)~~ (16) National Incident Management System (NIMS)—A set of principles “National Incident  
5 Management System” (NIMS) means a federal policy that provides a systematic, proactive approach  
6 guiding government agencies at all levels, nongovernmental organizations, and the private sector to  
7 work to prevent, protect against, respond to, recover from, and mitigate the effects of incidents,  
8 regardless of cause, size, location, or complexity, to reduce the loss of life or property and harm to  
9 the environment.
- 10 ~~(18)~~ (17) On-duty—When “On-duty” means when a person is acting ~~functioning, paid or unpaid,~~ as an agent  
11 of their ~~sponsoring or participating agency~~ Sponsoring or Participating Agency or of the NC  
12 Division of Emergency Management as part of the NC Search and Rescue ~~Program.~~ System.
- 13 ~~(19)~~ (18) Participating Agency (PA)—An “Participating Agency” means an entity that assists a ~~sponsoring~~  
14 ~~agency~~ Sponsoring Agency with the formation of a search and rescue team by providing personnel  
15 or equipment.
- 16 (19) “Program costs” means training, equipment, personnel, or administrative expenses incurred by a  
17 Sponsoring or Participating Agency during activities of the NC SAR System.
- 18 (20) “Resource typing” means a document defining and categorizing, by capability, the system resources  
19 requested, deployed, and used in incidents.
- 20 ~~(22)~~ (21) Responsible Party (RP)—The “Responsible Party” means the entity whose actions or inactions  
21 caused an event as determined by the authority having jurisdiction requiring ~~search and rescue~~  
22 ~~system resources.~~ system resources to respond and incur costs.
- 23 ~~(23)~~ (22) Sensitive Information—Any “Sensitive information” means any information, to include ~~but not~~  
24 ~~limited to~~ audio recordings, images, and video ~~recordings gained~~ recordings, obtained during a  
25 ~~search and rescue operation~~ an activation that has not been released to the public by the ~~authority~~  
26 ~~having jurisdiction.~~ AHJ.
- 27 ~~(24)~~ (23) Specialty Rescue Team—A “Specialty Rescue Team” means a group of response personnel who  
28 ~~provided~~ provide ~~specialized,~~ technical search and rescue capability as part of the North Carolina  
29 Search and Rescue System that is not a contract response team as defined in G.S. 166A-65.
- 30 ~~(25)~~ (24) Sponsoring Agency (SA)—A “Sponsoring Agency” means a local or tribal unit of government or  
31 ~~other entity~~ a corporation with an active response agreement with a local unit of government that  
32 organizes and coordinates a search and rescue team in the North Carolina Search and Rescue  
33 System. This entity serves as the lead agency for teams comprised of multiple agencies.
- 34 ~~(26)~~ State Coordinated Mutual Aid—Assistance between North Carolina Search and Rescue System  
35 ~~resources and local units of government facilitated and coordinated by North Carolina Emergency~~  
36 Management.

1 ~~(27)~~ (25) ~~State Emergency Operations Plan (SEOP)~~—A “State Emergency Operations Plan” (SEOP) means  
2 a document maintained under the authority of G.S. 166A-19.12(2) that details how the State of North  
3 Carolina will respond to a disaster or emergency requiring ~~state~~ State assistance utilizing an  
4 ~~established comprehensive, all hazards approach~~ All-Hazards Disaster Response Model.

5 ~~(28)~~ (26) ~~State Mission Assignment (State Mission)~~—A “State Mission Assignment” (State Mission) means  
6 a NCEM North Carolina Division of Emergency Management approved request for assistance to  
7 deploy ~~search and rescue system~~ system resources at the request of a local unit of government.

8 ~~(28)~~ (27) “System agreements” means contracts, memoranda of agreements, or memoranda of understanding  
9 between NCEM and Contract Response Teams for the purposes of establishing and maintaining the  
10 NC SAR System.

11 ~~(29)~~ (28) ~~System Personnel—Personnel~~ “System personnel” means human resources from a ~~contract~~ Contract  
12 Response or ~~specialty rescue team~~ Specialty Rescue Team with an active response agreement with  
13 ~~the Division of Emergency Management for search and rescue response~~ or human resources  
14 employed ~~on a full time or part time basis~~ by the Division of Emergency Management with a  
15 responsibility for search and rescue response.

16 ~~(30)~~ (29) ~~System Resource—Personnel~~ “System resource” means personnel or equipment from a ~~contract~~ or  
17 ~~specialty rescue team~~ that is participating in the NC Search and Rescue System with an active  
18 ~~response agreement~~ with the North Carolina Division of Emergency Management for search and  
19 rescue response.

20  
21 *History Note:* Authority G.S. 166A-65; 166A-66; 166A-67; 166A-69;  
22 Eff. ~~January~~ April 1, 2023.  
23



1 14B NCAC 03 .0403 is adopted as published in 37:04 NCR 321-322 with changes as follows:

2  
3 **14B NCAC 03 .0403 DISPATCH OF A CONTRACT RESPONSE TEAM TO A SEARCH AND RESCUE**  
4 **TEAM OR SPECIALTY RESCUE TEAM MISSION**

5 (a) ~~NC SAR North Carolina Search and Rescue System's (NC SAR System) System Resources~~ system resources  
6 shall employ the ~~all hazards response model~~ All-Hazards Disaster Response Model. ~~System resources are not limited~~  
7 ~~to responses to only missing person incidents. System resources may support any incident where system resources~~  
8 ~~may relieve human suffering or protect life, property, or the environment for an actual or potential threat.~~

9 (b) ~~NC Emergency Management~~ The North Carolina Division of Emergency Management (NCEM) shall maintain  
10 direction and control of any deployed ~~NC SAR System resources~~ system resources that have been deployed through  
11 action of ~~NCEM~~. NCEM until a time that they have been demobilized or the system resource is needed by the  
12 Sponsoring Agency.

13 (c) Any resource of the NC SAR System remains a local resource when not deployed by NCEM ~~first~~ and may deploy  
14 under their local authorities or agreements notwithstanding any action by the State. Participation in the NC SAR  
15 System shall not limit or supersede their local authorities, responsibilities, or agreements when the system resource is  
16 deploying under those authorities or agreements.

17 (d) ~~NC SAR System resources shall be deployed by the State using one of the following methods:~~

18 (1) ~~State Coordinated Mutual Aid~~ The primary goal of State Coordinated Mutual Aid is to facilitate  
19 mutual aid through polling NC SAR System resources, either in part or in whole, at the discretion  
20 of NCEM officials to seek available qualified resources in the NC SAR System to fill a local request  
21 for support. There is no requirement for NCEM to poll all resources, nor any requirement for the  
22 local AHJ to take all or some portion of teams who are available. Final resource selection remains  
23 with the local AHJ. NCEM officials shall use incident type and urgency, incident and resource  
24 location, resource type, resource availability and timeliness to affecting incident outcome, and  
25 resource cost as factors in determining what resources to poll when notifying activating system  
26 resources.

27 (2) ~~State Mission Assignment~~ State Mission's primary goal is to deploy NC SAR System resources  
28 when there is a threat to life, property, or the environment and some barrier(s) to prevent the mission  
29 being filled through local or state coordinated mutual aid. In cases of a State of Emergency as  
30 defined in G.S. 166A 19.20 or G.S. 166A 19.22, NCEM shall deploy NC SAR System resources  
31 through a State Mission Assignment to minimize any delay in initiating or augmenting lifesaving  
32 operations.

33 (e) ~~(d)~~ The County Local Emergency Management Coordinator (LEMC) or their designee shall have the authority to  
34 request system resources. Local law enforcement agencies, fire departments, rescue squads, and any other local  
35 authority having jurisdiction AHJ shall route requests for activation of NC SAR System resources to their LEMC who  
36 will make the request for support to NCEM.

1 *History Note: Authority G.S. 166A-66;*  
2 *Eff. ~~January~~ April 1, 2023.*  
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1 14B NCAC 03 .0404 is adopted as published in 37:04 NCR 322 with changes as follows:

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**14B NCAC 03 .0404 ON-SITE OPERATIONS OF A CONTRACT RESPONSE TEAM SYSTEM RESOURCES**

All search and rescue system resources shall operate in accordance with the following standards of response:

- (1) (a) FEMA ICS ~~and~~ NIMS standards which are adopted and are incorporated by reference with subsequent changes or amendments pursuant to G.S. ~~150B-21.6;~~ 150B-21.6 and can be found at no cost at: [https://www.fema.gov/sites/default/files/2020-07/fema\\_nims\\_doctrine-2017.pdf](https://www.fema.gov/sites/default/files/2020-07/fema_nims_doctrine-2017.pdf);
- (2) (b) following all direction from NCEM ~~personnel;~~ personnel acting pursuant to G.S. 166A-19.12(1) when deploying as a system resource;
- (3) (c) when responding in support of law enforcement operations, ~~resources~~ system resources shall coordinate ~~activities~~ activities with the law enforcement authorities to ensure their actions support any potential criminal ~~investigation.~~ investigation; and
- (4) (d) ~~resources~~ system resources shall not release any sensitive information to the public or media during operations without the consent of the local, state, or federal authority having jurisdiction consistent with the Chapter 132 of the North Carolina General ~~Statutes~~ Statutes, ~~which is adopted and incorporated by references with subsequent changes or amendments pursuant to G.S. 150B-21.6; and G.S. 150B-21.6.~~
- (5) ~~state and federal law.~~

*History Note: Authority G.S. 166A-66, National Incident Management System, 3<sup>rd</sup> Edition; Eff. ~~January~~ April 1, 2023.*

1 14B NCAC 03 .0405 is adopted as published in 37:04 NCR 322 with changes as follows:

2  
3 **14B NCAC 03 .0405 STANDARDS FOR ADMINISTRATION OF A CONTRACT RESPONSE TEAM,**  
4 **INCLUDING PROCEDURES FOR REIMBURSEMENT OF RESPONSE COSTS**

5 (a) ~~System resources~~ Contract Response Teams and Specialty Rescue Teams shall maintain the following all  
6 personnel records and have them available for audit: to include:

- 7 (1) ~~Responder~~ responder medical history;  
8 (2) ~~Emergency~~ emergency contact information;  
9 (3) ~~Current~~ current pay and benefit rates, including overtime rates; and  
10 (4) ~~Policies~~ policies for overtime pay if deploying paid persons.

11 (b) System personnel shall be in an on-duty status as an emergency management worker as defined in G.S. 166A-  
12 19.60(e) during all training and responses. G.S. 166A-19.60(e) which is adopted and incorporated by reference with  
13 subsequent changes or amendments pursuant to G.S. 150B-21.6 during all training and response activities.

14 (c) System resources shall maintain a current team roster.

15 (d) System resources shall maintain all ~~team~~ system personnel training, certification, and ~~credentials.~~ credentials as  
16 outlined in Rule .0409 in this Section.

17 (e) System resources shall maintain all inventory and maintenance records for deployable equipment.

18 (f) Resource records ~~must~~ shall be available for review by NCEM officials to ensure compliance.

19 (g) Within 90 days of demobilization from a ~~state~~ State mission, system resources shall submit ~~documentation~~  
20 receipts, expense reports, and supporting documentation of actual costs to NCEM for reimbursement consistent with  
21 the FEMA Public Assistance Program and Policy Guide which is adopted and incorporated by reference with  
22 subsequent changes or amendments pursuant to G.S. 150B-21.6. 150B-21.6 and is available at no cost at:  
23 [https://www.fema.gov/sites/default/files/documents/fema\\_pappg-v4-updated-links\\_policy\\_6-1-2020.pdf](https://www.fema.gov/sites/default/files/documents/fema_pappg-v4-updated-links_policy_6-1-2020.pdf). ~~NCEM~~  
24 ~~may grant extensions beyond the 90 day period at their discretion due to extenuating circumstances such as extended~~  
25 ~~equipment repairs.~~

26  
27 *History Note: Authority G.S. 166A-19.60; 166A-66; 42 U.S.C. 5121 et seq; 44 CFR Part 206;*  
28 *Eff. ~~January~~ April 1, 2023.*

1 14B NCAC 03 .0406 is adopted as published in 37:04 NCR 322 with changes as follows:

2  
3 **14B NCAC 03 .0406 RECOVERING THE COSTS OF A SEARCH AND RESCUE TEAM OR**  
4 **SPECIALTY RESCUE TEAM MISSION**

5 ~~(a)~~ NCEM shall seek reimbursement ~~by~~ from the ~~responsible party~~ Responsible Party for system response costs in  
6 cases of negligence or ~~manmade~~ intentional disaster.

7 ~~(1)~~

8 ~~(b)~~ NCEM shall bill the Responsible Parties ~~Responsible Parties shall be billed reasonable~~ costs to include personnel and  
9 equipment costs consistent with current protocols established for the recovery of cost of activation of a  
10 response team for a hazardous materials emergency response set out in G.S. ~~166-27~~ 166A-27 or civil liability  
11 of persons who willfully ignore a warning in an emergency pursuant to G.S. 166A-19.62. ~~which is adopted~~  
12 ~~and incorporated by reference with subsequent changes or amendments pursuant to G.S. 150B-21.6 of~~  
13 ~~eligible costs.~~

14 ~~(2)~~ —

15 ~~(c)~~ Responsible parties ~~Parties~~ shall remit payment to NCEM within 30 days of receipt of invoice. ~~invoice via certified~~  
16 ~~mail.~~

17  
18 *History Note: Authority G.S. 166A-27; 166A-66; 166A-19.62*

19 *Eff. ~~January~~ April 1, 2023.*

20

1 14B NCAC 03 .0407 is adopted as published in 37:04 NCR 322-324 with changes as follows:

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**14B NCAC 03 .0407 PROCEDURES FOR BIDDING AND CONTRACTING FOR SEARCH AND RESCUE TEAM AND SPECIALTY RESCUE TEAM MISSION**

- (a) Eligibility for participation as a ~~contract~~ Contract or ~~specialty rescue team~~ Specialty Rescue Team:
- (1) Sponsoring agencies ~~must~~ shall:
    - (A) ~~Be~~ be a local unit of government, ~~state recognized~~ State-recognized tribal government, or a corporation with ~~maintain~~ an active response agreement with a local or tribal unit of government;
    - (B) ~~Maintain~~ maintain participation in the statewide mutual aid agreement; and
    - (C) ~~Ensure~~ ensure all ~~members~~ personnel possess the qualifications as outlined in Rule .0409 of this ~~Section~~ Section which is adopted and incorporated by reference with subsequent ~~changes or amendments pursuant to G.S. 150B-21-6.~~
  - (2) Participating agencies shall ensure all ~~members~~ personnel possess the qualifications as outlined in Rule .0409 of this ~~Section~~ Section which is adopted and incorporated by reference with subsequent ~~changes or amendments pursuant to G.S. 150B-21-6.~~
- (b) Eligibility for participation as ~~personnel on an incident support team~~:
- (1) Personnel shall be ~~from a participating member of the NC SAR System, NCEM All-Hazards Incident Management Team Program, or an employee of NC Emergency Management~~ NCEM. If not an employee of NCEM, each member's ~~sponsoring agency~~ Sponsoring Agency ~~must~~ shall have an active ~~memorandum of agreement~~ system agreement that outlines the conditions of their participation. ~~on an incident support team~~.
  - (2) ~~Ensure~~ NCEM shall ensure all ~~members~~ personnel possess the qualifications as outlined in Rule .0409 of this ~~Section~~ Section which is adopted and incorporated by reference with subsequent ~~changes or amendments pursuant to G.S. 150B-21-6.~~
- (c) Contract Response Teams – Within 18 months of the first day of the contractual performance, ~~a new contract period~~, NCEM shall electronically distribute a bid announcement via electronic mail to all system resources and local emergency management coordinators for interested parties to return a letter of interest. ~~interest by a specified date~~. NCEM shall distribute an electronic bid package to all interested parties that ~~must~~ shall be returned to NCEM. ~~NCEM by a date specified in the bid package~~.
- (1) ~~Contract response teams~~ Response Teams shall be limited to seven regionally based all hazard response taskforces. Each taskforce will be assigned a primary response region in the state.
  - ~~(2) Bid packages shall be submitted for a specific single response region.~~
  - ~~(3)~~ (2) The bidding agency and any participating agencies shall be located in that specified response region.
  - (4) (3) A review committee shall be established by the NCEM Director or designee. This committee will open all completed sealed bid packages and evaluate them based on an agreed upon the criteria as outlined in Rule .0408 of this Section ~~This committee will open all completed sealed bid packages~~

1 and evaluate them based on an agreed upon criteria at a date set by the NCEM Director ~~Director~~ or  
2 designee.

3 (5) (4) The committee shall develop a bid package review summary that includes their recommendations  
4 for selections that will be sent to the NCEM Operations Section Chief for concurrence before being  
5 reviewed and approved by the NCEM Director.

6 (6) (5) Agencies who are successful in the bid process will be ~~notified~~, notified and system agreements  
7 shall be drafted and executed. ~~Agreements shall be drafted, and executed by all parties for the agreed~~  
8 ~~upon period.~~

9 (7) (6) NCEM shall draft, execute, and maintain ~~two agreements~~ a system agreement with the sponsoring  
10 agency for the resource to maintain participation in the ~~program~~ NC SAR System.

11 (A) NCEM shall execute and maintain a ~~cooperative agreement~~ system agreement with the  
12 sponsoring agency that outlines the ~~conditions and activities~~ scope of work that the  
13 resource ~~must~~ team shall follow to enable reimbursement of eligible training, equipment,  
14 and ~~personnel-administrative~~ costs associated with maintaining a ~~contract response team~~  
15 Contract Response Team. The ~~cooperative agreement~~ system agreement shall be limited to  
16 the contract period.

17 (B) Funds reimbursed through this agreement shall go directly to cover program costs and be  
18 utilized by the ~~sponsoring~~ Sponsoring and/or ~~and participating~~ Participating agencies.

19 (C) The ~~sponsoring agency~~ Sponsoring Agency shall maintain all records of any ~~program~~ NC  
20 SAR System spending and shall not commingle funds or use ~~program~~ NC SAR System  
21 funding for any other purpose, ~~other than maintaining or building search and rescue~~  
22 ~~capability~~.

23 (D) Each ~~sponsoring agency~~ Sponsoring Agency is responsible to draft, execute, and maintain  
24 agreements with ~~any each~~ participating agency that is supporting their bid for a ~~contract~~  
25 ~~response team~~ Contract Response Team with personnel, equipment, or funding. NCEM  
26 ~~may provide a template agreement for use between sponsoring and participating agencies~~.  
27 The ~~sponsoring agency~~ Sponsoring Agency may include any participating agency  
28 resources in their bid package, ~~as long as they have an active agreement~~.

29 (E) Resources shall maintain a response agreement with NCEM that outlines ~~response~~  
30 ~~activities~~ the activation process and the reimbursement process for costs of state missions.

31 (d) ~~Specialty Rescue Teams - NC Emergency Management~~ NCEM shall enter into response agreements with  
32 Sponsoring Agencies to establish specialty rescue teams to ensure statewide response capability in ~~certain~~ established  
33 NC SAR System program areas.

34 (1) These program areas shall ~~include~~ be:

35 (A) Swiftwater Search and Rescue;

36 (B) Wilderness / Land Search and Rescue;

37 (C) Mountain Search and Rescue; and

**Commented [A1]:** Follow up with RRC Counsel as he was reviewing this and going to get back to us as it relates to bids et el.

(D) Helicopter Search and Rescue

- (2) ~~NC Emergency Management NCEM shall provide program support in establishing program standards, supporting specialized support system resources with training, training and providing specialized equipment within the confines of available funding. Participation as a specialty rescue team Specialty Rescue Team is considered at will by either party to the extent that agreements and can be terminated with or without cause by either party with a 30-day notice.~~
- (3) ~~Each qualified resource Sponsoring Agency shall enter into a response agreement specific to each established program area with NCEM. The resource will then enter into a memorandum of understanding system agreement with NCEM that shall be referred to as a specialty rescue team Specialty Rescue Team response agreement.~~
- (4) ~~Specialty Rescue Teams rescue teams must shall demonstrate their ability to deploy respond as a self-supported self-sufficient resource team outside their jurisdiction to be eligible to participate in the NC SAR System. Specialty Rescue Teams shall provide all support requirements for their deployed personnel and equipment for a period of 72 hours from deployment without outside support.~~
- (5) ~~Each Sponsoring Agency of a Specialty Rescue Team specialty rescue team is responsible to shall draft, execute, and maintain agreements with any each Participating Agency participating agency that is supporting the Sponsoring Agency sponsoring agency for in maintaining a Specialty Response Team specialty response team with personnel, equipment, or funding. NCEM may provide a template agreement for use between sponsoring and participating agencies.~~

History Note: Authority G.S. 166A-65; 166A-66; 166A-67;  
Eff. January April 1, 2023.



1 14B NCAC 03 .0408 is adopted as published in 37:04 NCR 324 with changes as follows:

2  
3 **14B NCAC 03 .0408 CRITERIA FOR EVALUATING BIDS FOR CONTRACT RESPONSE TEAM**

4 (a) Bidding ~~entities~~ agencies must shall:

- 5 (1) ~~be submitted~~ submit via courier, United States Mail, or hand deliver a bid package signed by an  
6 authorized representative of a local unit of government, ~~state~~ State recognized tribal government, or  
7 ~~maintain~~ corporation that maintains an active response agreement with a local or tribal unit of  
8 government;
- 9 (2) provide a plan for the bidding entity to deploy the required number of personnel for a period of up  
10 to 14 days when not required for a local response. ~~being impacted locally~~. This may be as a single  
11 entity or as a collaboration of multiple agencies in the specified response region. If a collaboration  
12 of multiple agencies, the sponsoring or the bidding agency ~~must~~ shall maintain cooperative  
13 agreements with all supporting agencies. For the purposes of the bid submission, the bidding entity  
14 shall provide a letter of support from all supporting agencies;
- 15 (3) provide a plan for the bidding entity to maintain the required number of personnel trained per Rule  
16 .0409 of this Section; ~~Section which is adopted and incorporated by reference with subsequent~~  
17 ~~changes or amendments pursuant to G.S. 150B-21.6;~~ and
- 18 (4) ensure all participating members possess the qualifications as outlined in Rule .0409 of this Section.

19 (b) Bids shall be evaluated on: ~~using the below criteria and consistent with 2 CFR Part 200 which is adopted and~~  
20 ~~incorporated by reference with subsequent changes or amendments pursuant to G.S. 150B-21.6:~~

- 21 (1) geographic location of team base;
- 22 (2) ability to maintain required number of trained personnel to ensure response readiness; ~~readiness~~  
23 ~~without negative impacts to local response obligations;~~
- 24 (3) ability to maintain and care for any system provided equipment;
- 25 (4) availability of local equipment to support response activities; ~~and~~
- 26 (5) availability to maintain dedicated administrative staff to ensure management of administrative  
27 duties, training, and logistical ~~requirements.~~ requirements; and
- 28 ~~(6) consistent with federal procurement rules as outlined in 2 CFR Part 200 which is adopted and~~  
29 ~~incorporated by reference with subsequent changes or amendments pursuant to G.S. 150B-21.6.~~  
30 150B-21.6 and can be found at no cost at: [https://www.ecfr.gov/current/title-2/subtitle-A/chapter-](https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200)  
31 [II/part-200](https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200); and
- 32 ~~(7) consistent with State procurement rules as outlined in Chapter 5 of North Carolina Administrative~~  
33 ~~Code which is adopted and incorporated by reference with subsequent changes or amendments~~  
34 pursuant to G.S. 150B-21.6 and can be found at no cost at:  
35 [http://reports.oah.state.nc.us/ncac.asp?folderName=\Title%2001%20-](http://reports.oah.state.nc.us/ncac.asp?folderName=\Title%2001%20-%20Administration\Chapter%2005%20-%20Purchase%20and%20Contract)  
36 [%20Administration\Chapter%2005%20-%20Purchase%20and%20Contract](http://reports.oah.state.nc.us/ncac.asp?folderName=\Title%2001%20-%20Administration\Chapter%2005%20-%20Purchase%20and%20Contract).

1 *History Note: Authority G.S. 166A-66; 166A-67;*  
2 *Eff. ~~January~~ April 1, 2023.*  
3

1 14B NCAC 03 .0409 is adopted as published in 37:04 NCR 324-329 with changes as follows:

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3 **14B NCAC 03 .0409 PERSONNEL, TRAINING, AND EQUIPMENT STANDARDS FOR**  
4 **CONTRACT RESPONSE TEAMS AND SPECIALTY RESCUE TEAMS**

5 (a) Requirements for all system personnel:

- 6 (1) personnel shall be no less than 18 years of age;
- 7 (2) personnel shall be an ~~agent~~ employee of a Sponsoring Agency, Participating Agency, sponsoring  
8 ~~agency, participating agency,~~ or an employee of the North Carolina Division of Emergency  
9 Management. By participating in this program, ~~they~~ system personnel remain employees of their  
10 Sponsoring or Participating Agency ~~agents of their employer~~ and at no time become ~~an agent of the~~  
11 ~~State~~ a State employee entitled to State benefits unless they are an employee of NCEM; ~~the State~~;
- 12 (3) personnel shall maintain no less than 24 hours of search and rescue training annually;
- 13 (4) while participating in any program activity personnel shall be considered emergency management  
14 ~~workers~~ workers, as defined in G.S. 166A-19.60. ~~while participating in any program activity as~~  
15 ~~defined in G.S. 166A-19.60 which is adopted and incorporated by reference with subsequent~~  
16 ~~changes or amendments pursuant to G.S. 150B-21.6; and~~
- 17 (5) personnel shall possess the qualifications of character and general fitness requisite for a public  
18 servant and be of good moral character and entitled to the high regard and confidence of the public  
19 as evidenced ~~by:~~ by not having been convicted by a local, state, federal, or military court of:
- 20 (A) ~~not having been convicted~~ of a felony;
- 21 (B) not having been convicted of a misdemeanor as defined in 12 NCAC 09B ~~.0111(1)~~ .0111(3)  
22 which is adopted and incorporated by reference with subsequent changes or amendments  
23 pursuant to G.S. 150B-21.6. for five years or the completion of any corrections supervision  
24 imposed by the courts, whichever is later;
- 25 (C) not having been convicted of an offense that would prohibit the possession of a firearm or  
26 ammunition, under 18 U.S.C. 922, which is hereby incorporated by reference with  
27 subsequent amendments and editions pursuant to G.S. 150B-21.6 can be found at no cost  
28 [https://www.govinfo.gov/content/pkg/USCODE-2018-title18/pdf/USCODE-2018-title18-  
30 partI-chap44.pdf](https://www.govinfo.gov/content/pkg/USCODE-2018-title18/pdf/USCODE-2018-title18-<br/>29 partI-chap44.pdf);
- 31 (D) being truthful in providing information to the appointing ~~agency;~~ agency for the purpose  
32 ~~of participating in the search and rescue system;~~
- 33 (E) not having pending or outstanding ~~felony~~ charges that, if ~~convicted~~ convicted, would  
34 exclude eligibility under this Rule. ~~rule;~~ and
- 35 (F) ~~not having engaged in any conduct that brings into question the truthfulness or credibility~~  
36 ~~of the individual, or involves "moral turpitude."~~
- (6) make the following notifications:

- 1 (A) within seven days of the qualifying ~~event~~ event, notify the Sponsoring Agency in writing  
 2 of all criminal or traffic offenses for which the individual is charged or ~~arrested~~; arrested;  
 3 This shall include ~~traffic offenses identified in the Class B Misdemeanor Manual which is~~  
 4 ~~adopted and incorporated by reference with subsequent changes or amendments pursuant~~  
 5 ~~to G.S. 150B-21.6 and offenses of driving under the influence (DUI) or driving while~~  
 6 ~~impaired (DWI)~~;
- 7 (B) within seven days of the qualifying ~~event~~ event, notify the Sponsoring Agency in writing  
 8 of all criminal offenses for which the individual pleads no contest, pleads guilty, or of  
 9 which the individual is ~~found guilty~~; convicted; This shall include ~~traffic offenses identified~~  
 10 ~~in the Class B Misdemeanor Manual which is adopted and incorporated by reference with~~  
 11 ~~subsequent changes or amendments pursuant to G.S. 150B-21.6 and offenses of driving~~  
 12 ~~under the influence (DUI) or driving while impaired (DWI)~~;
- 13 (C) within seven days of service, shall notify the Sponsoring Agency that ~~they have~~ he or she  
 14 has been served by a judicial official; ~~official against the individual~~;
- 15 (D) within seven days of the date the case was disposed of in court, the ~~sponsoring agency~~;  
 16 Sponsoring Agency, provided they have knowledge of ~~the person's system personnel's~~  
 17 arrests or criminal charges and final dispositions, shall also notify NCEM ~~the Division of~~  
 18 ~~Emergency Management~~ of arrests or criminal charges and final disposition of the criminal  
 19 charges against system personnel; ~~disposition~~; and
- 20 (E) within seven days of the issuance of all Domestic Violence Protective Orders pursuant to  
 21 G.S. 50B (G.S. 50B) and Civil No Contact Orders pursuant to G.S. 50C, (G.S. 50C), the  
 22 sponsoring agency, provided they have knowledge of the order, shall also notify NCEM  
 23 ~~the Division of Emergency Management~~ of these orders.

24 (b) Requirements for all system equipment:

- 25 (1) equipment shall be made available for inspections and ~~inventory~~; inventory by NCEM personnel;
- 26 ~~(2) system resources shall count any state-owned issued equipment to the specified equipment~~  
 27 ~~requirements~~;
- 28 ~~(3)~~ (2) system resources shall maintain any ~~state-owned~~ State-owned equipment per ~~manufactures~~  
 29 manufacturer's recommendations and immediately notify NCEM of any damage to ~~state property~~;  
 30 State-owned and issued equipment; and
- 31 ~~(4)~~ (3) upon ~~separation~~ separation, all system resources shall return all state property in no more than 30  
 32 ~~days~~ days to NCEM.

33 (c) Urban Search and Rescue Team Personnel and Training ~~Requirements~~ Requirements:

- 34 (1) A Type I or Type II Urban Search and Rescue ~~Team~~ Team, which is adopted and incorporated by  
 35 reference with subsequent changes or amendments pursuant to G.S. 150B-21.6 as outlined in the  
 36 latest tool located at no cost at [https://rtlt.preptoolkit.fema.gov/Public/Resource/View/8-508-](https://rtlt.preptoolkit.fema.gov/Public/Resource/View/8-508-1262?q=urban%20search)  
 37 1262?q=urban%20search, shall maintain a roster of 116 personnel who have successfully completed

1 the ~~NC USAR~~ North Carolina Urban Search and Rescue Structural Collapse Rescue Technician  
2 Course or the Federal Emergency Management Agency ~~Equivalent~~ Structural Collapse Specialist  
3 Course.

4 (2) A Type III Urban Search and Rescue Team shall maintain a roster of 58 personnel who have  
5 successfully completed the NC USAR Structural Collapse Rescue Technician Course or the Federal  
6 Emergency Management Agency ~~Equivalent~~ Structural Collapse Specialist Course.

7 (3) North Carolina Division of Emergency Management shall be responsible for providing qualified  
8 structures ~~specialist~~, specialists, medical team managers, and canine search specialists for any ~~typed~~  
9 urban search and rescue team as part of this program if required for a response.

10 (d) Urban Search and Rescue Team Equipment ~~Requirements~~ Requirements:

11 (1) Urban Search and Rescue Teams shall maintain a functionally equivalent cache of equipment based  
12 on the appropriate team type with the Emergency Management Accreditation Program Urban Search  
13 and Rescue Cache List which is adopted and incorporated by reference with subsequent changes or  
14 amendments pursuant to G.S. 150B-21.6 as outlined in the latest published standard by the  
15 Emergency Management Accreditation ~~Program~~. Program located at no cost at  
16 <https://emap.org/index.php/root/assessor-resources/87-emap-cache-list>.

17 (2) Equipment shall be maintained in a manner ready to be used ~~state of readiness~~ and with a means to  
18 transport all required equipment.

19 (e) Swiftwater Rescue Team Personnel and Training ~~Requirements~~ Requirements:

20 (1) Any Type I Swiftwater Rescue ~~Team~~ Team, which is adopted and incorporated by reference with  
21 subsequent changes or amendments pursuant to G.S. 150B-21.6 as outlined in the latest tool located  
22 at no cost at <https://rtlt.preptoolkit.fema.gov/Public/Resource/View/8-508-1020?q=swiftwater>,  
23 shall maintain a minimum roster of 32 personnel who have successfully completed Swiftwater  
24 Rescue Technician level training that meets ~~or exceeds training~~ requirements of Chapters 5, 11, and  
25 12 of ~~NFPA~~ National Fire Protection Associations (NFPA) 1006 which is adopted and incorporated  
26 by reference with subsequent changes or amendments pursuant to ~~G.S. 150B-21.6~~. G.S. 150B-21.6  
27 and can be found at [https://www.nfpa.org/codes-and-standards/all-codes-and-standards/list-of-](https://www.nfpa.org/codes-and-standards/all-codes-and-standards/list-of-codes-and-standards/detail?code=1006)  
28 [codes-and-standards/detail?code=1006](https://www.nfpa.org/codes-and-standards/all-codes-and-standards/list-of-codes-and-standards/detail?code=1006) at a cost of \$91.00. From the complete roster, the team shall  
29 ~~additionally~~ maintain the following number of personnel trained in position specific advanced roles:

30 (A) eight personnel who have completed the North Carolina Swiftwater Flood Rescue Boat  
31 Operator Course;

32 (B) two personnel who have completed either the North Carolina Swiftwater / Flood Rescue  
33 Team Leader Course or North Carolina Urban Search and Rescue Task Force Leader  
34 Course; and

35 (C) two personnel who have completed either the North Carolina Swiftwater / Flood Rescue  
36 Team Communications Specialist Course or North Carolina Urban Search and Rescue  
37 Communications Specialist Course.

1 (2) Any Type II Swiftwater Rescue Team shall maintain a minimum roster of 24 personnel who have  
2 successfully completed Swiftwater Rescue Technician level training that meets ~~or exceeds~~ training  
3 requirements of Chapters 5, 11, and 12 of NFPA ~~1006, 1006 which is adopted and incorporated by~~  
4 ~~reference with subsequent changes or amendments pursuant to G.S. 150B-21.6.~~ From the complete  
5 roster, the team shall ~~additionally~~ maintain the following number of personnel trained in position  
6 specific advanced roles:

7 (A) four personnel who have completed the North Carolina Swiftwater Flood Rescue Boat  
8 Operator Course;

9 (B) two personnel who have completed either the North Carolina Swiftwater Flood Rescue  
10 Team Leader Course or North Carolina Urban Search and Rescue Task Force Leader  
11 Course; and

12 (C) two personnel who have completed either the North Carolina Swiftwater Flood Rescue  
13 Team Communications Specialist Course or North Carolina Urban Search and Rescue  
14 Communications Specialist Course.

15 (3) Any Type III Swiftwater Rescue Team shall maintain a minimum roster of 16 personnel who have  
16 successfully completed Swiftwater Rescue Technician level training that meets ~~or exceeds~~ training  
17 requirements from Chapters 5, 11, and 12 of NFPA ~~1006, 1006 which is adopted and incorporated~~  
18 ~~by reference with subsequent changes or amendments pursuant to G.S. 150B-21.6.~~ From the  
19 complete roster, the team shall ~~additionally~~ maintain the following number of personnel trained in  
20 position specific advanced roles:

21 (A) two personnel who have completed the North Carolina Swiftwater Flood Rescue Boat  
22 Operator Course;

23 (B) two personnel who have completed either the North Carolina Swiftwater Flood Rescue  
24 Team Leader Course or North Carolina Urban Search and Rescue Task Force Leader  
25 Course; and

26 (C) two personnel who have completed either the North Carolina Swiftwater Flood Rescue  
27 Team Communications Specialist Course or North Carolina Urban Search and Rescue  
28 Communications Specialist Course.

29 (f) Swiftwater Rescue Team Equipment ~~Requirements~~ Requirements:

30 (1) Any Type I Swiftwater Rescue Team shall maintain an equipment cache of no less than:

31 (A) six 800 MHz portable radios programed with the NC VIPER Radio System template;

32 (B) 16 portable radios capable for internal team communications;

33 (C) one portable computer with a ~~minimum of~~ cellular or satellite-based internet access;

34 (D) 16 each of dry suits with a ~~suitable~~ liner, personal floatation devices with not less than  
35 22lbs of floatation, helmet with headlamp, rescue knife, peapless whistle, boat motor key,  
36 water rescue throw bag, and pair of water rescue boots;

37 (E) two each thermal imaging cameras and handheld ~~spotlight~~; spotlights;

- 1 (F) two ~~hardcopy of NC State of North Carolina road map; atlases;~~
- 2 (G) six global positioning system receivers;
- 3 (H) two forcible entry kits to include a Halligan, axe, ~~sledgehammer~~ sledgehammer, and bolt
- 4 cutters per kit;
- 5 (I) two chain saws;
- 6 (J) four inflatable ridged boats not less than 4 meters in length with not less than six total
- 7 outboard motors;
- 8 (K) one rope rescue kit to include 20 locking carabiners, four full body ~~harness;~~ harnesses, two
- 9 knot passing pulleys, 12 tandem prusiks, eight pulleys, two 200 foot life safety rope in a
- 10 bag, two 300 foot life safety rope in a bag, line thrower, and six sections of each 5 foot, 12
- 11 foot, 15 foot, 20 foot nylon tubular webbing;
- 12 (L) two decontamination kits to ~~include;~~ include one 2.5 gallon pressure sprayer, one five
- 13 gallon bucket, one 40 gallon work box, one 110 volt submersible pump, two 25 foot
- 14 sections of garden hose, garden hose wye adaptor, a 110 volt submersible pump, ~~soap and~~
- 15 ~~bleach~~ cleaning solution per dry suit manufacturer recommendations, solution, and one 1.5
- 16 inch to .75 inch male garden hose adapter;
- 17 (M) six non-venting fuel cells with fuel lines;
- 18 (N) two self-bailing ~~raft;~~ rafts;
- 19 (O) four boat field repair kits to include a patch and five clamshells ~~clamshell kit~~ per kit;
- 20 (P) 12 paddles;
- 21 (Q) ~~Shelter~~ shelter system for 16 personnel that can be ~~setup~~ assembled in under 30 minutes
- 22 time and does not require power for ~~setup assembly;~~ with 16 each of a sleeping kit such as
- 23 ~~a cots, pad, or sleeping bag; and~~
- 24 (R) 16 each of a sleeping kit such as a cots, cot, pad, or sleeping bag;
- 25 ~~(S) Two~~ two each of two kilowatt or larger generators with portable lights; and
- 26 ~~(S) (T) Two~~ two electric air pumps, four manual inflation pumps, and eight compressed air
- 27 cylinders with ~~whip or fill system~~ systems to inflate boats or rafts.
- 28 (2) Any Type II Swiftwater Rescue Team shall maintain an equipment cache of no less than:
- 29 (A) four 800 MHz portable radios programed with the NC VIPER Radio System template;
- 30 (B) ten portable radios capable for internal team communications;
- 31 (C) one portable computer with ~~a minimum of~~ cellular or satellite-based internet access;
- 32 (D) ten each of dry suits with a ~~suitable~~ liner, personal floatation devices with not less than
- 33 22lbs of floatation, helmet with headlamp, rescue knife, pealess whistle, boat motor key,
- 34 water rescue throw bag, and pair of water rescue boots;
- 35 (E) two each thermal imaging cameras and handheld ~~spotlight;~~ spotlights;
- 36 (F) two ~~hardcopy of NC State of North Carolina road map; atlases;~~
- 37 (G) four global positioning system receivers;

- 1 (H) one forcible entry kits to include a Halligan, axe, ~~sledgehammer~~ sledgehammer, and bolt  
2 cutters per kit;
- 3 (I) two chain saws;
- 4 (J) two inflatable ridged boats not less than 4 meters in length with not less than three total  
5 outboard motors;
- 6 (K) one rope rescue kit to include 20 locking carabiners, four full body harness, two knot  
7 passing pulleys, 12 tandem prusiks, eight pulleys, two 200 foot life safety rope in a bag,  
8 two 300 foot life safety rope in a bag, line thrower, and six sections of each 5 foot, 12 foot,  
9 15 foot, 20 foot nylon tubular webbing;
- 10 (L) one decontamination kits to ~~include,~~ include one 2.5 gallon pressure sprayer, one five  
11 gallon bucket, one 40 gallon work box, one 110 volt submersible pump, two 25 foot  
12 sections of garden hose, garden hose wye adaptor, a 110 volt submersible pump, ~~soap and~~  
13 ~~bleach~~ cleaning solution per dry suit manufacturer recommendations, solution, and one 1.5  
14 inch to .75 inch male garden hose adapter;
- 15 (M) four non-venting fuel cells with fuel lines;
- 16 (N) one self-bailing raft;
- 17 (O) two boat field repair kits to include a patch and five clamshells ~~clamshell kit~~ per kit;
- 18 (P) six paddles;
- 19 (Q) ~~Shelter~~ shelter system for ten personnel that can be ~~setup~~ assembled in under 30 minutes  
20 time and does not require power for ~~setup assembly;~~ with 16 each of a sleeping kit such as  
21 a cots, pad, or sleeping bag; and
- 22 (R) ten each of a sleeping kit such as a cots, cot, pad, or sleeping bag;
- 23 (R) (S) ~~Two~~ two each of two kilowatt or larger generators with portable lights; and
- 24 (S) (T) ~~Two~~ two electric air pumps, four manual inflation pumps, and eight compressed air  
25 cylinders with ~~whip or fill system~~ systems to inflate boats or rafts.
- 26 (3) Any Type III Swiftwater Rescue Team shall maintain an equipment cache of no less than:
- 27 (A) six 800 MHz portable radios programed with the NC VIPER Radio System template;
- 28 (B) six portable radios capable for internal team communications;
- 29 (C) one portable computer with ~~a minimum of~~ cellular or satellite-based internet access;
- 30 (D) six each of dry suits with a suitable liner, personal floatation devices with not less than  
31 22lbs of floatation, helmet with headlamp, rescue knife, pealess whistle, boat motor key,  
32 water rescue throw bag, and pair of water rescue boots;
- 33 (E) one ~~hardcopy of~~ NC State of North Carolina road map; atlas;
- 34 (F) two global positioning system receivers;
- 35 (G) one forcible entry ~~kits~~ kit to include a Halligan, axe, ~~sledgehammer~~ sledgehammer, and  
36 bolt cutters per kit;
- 37 (H) one chain saw;



- (I) one inflatable ridged boats not less than 4 meters in length with not less than two total outboard motors;
- (J) one rope rescue kit to include 20 locking carabiners, two full body harness, two knot passing pulleys, 12 tandem prusiks, four pulleys, 200 foot life safety rope in a bag, 300 foot life safety rope in a bag, line thrower, and three sections of each 5 foot, 12 foot, 15 foot, 20 foot nylon tubular webbing;
- (K) one decontamination kits to ~~include,~~ include one 2.5 gallon pressure sprayer, one five gallon bucket, one 40 gallon work box, one 110 volt submersible pump, two 25 foot sections of garden hose, garden hose wye adaptor, a 110 volt submersible pump, ~~soap and bleach~~ cleaning solution per dry suit manufacturer recommendations, solution, and one 1.5 inch to .75 inch male garden hose adapter;
- (L) two non-venting fuel cells with fuel lines;
- (M) one self-bailing raft;
- (N) one boat field repair kits to include a patch and five clamshells ~~clamshell kit~~ per kit;
- (O) three paddles;
- (P) ~~Shelter~~ shelter system for 16 personnel that can be ~~setup~~ assembled in under 30 minutes time and does not require power for ~~setup assembly;~~ with 16 each of a sleeping kit such as a cots, pad, or sleeping bag; and
- (R) 16 each of a sleeping kit such as a cots, cot, pad, or sleeping bag;
- ~~(R)~~ (S) one each of two kilowatt or larger generators with portable lights; and
- ~~(S)~~ (T) one electric air pumps, one manual inflation pumps, and two compressed air cylinders with ~~whip or fill system~~ system to inflate boats or rafts.

(g) Helicopter search and rescue technicians shall:

- (1) be a member of the Urban Search and Rescue, Swiftwater Rescue, Wilderness Search and Rescue, or Mountain Rescue ~~Program~~ Programs with a letter of support from their sponsoring agency;
- (2) complete the North Carolina Division of Emergency Management Helicopter Rescue Indoctrination Course; and
- (3) attend scheduled training on no less than a quarterly basis to maintain their qualification as a helicopter rescue technician.

(h) Helicopter Rescue Team Equipment Requirements

- (1) Helicopter search and rescue technicians shall maintain all issued equipment ~~in good working order~~ and in accordance with the manufacturer recommendations.
- (2) Helicopter search and rescue technicians shall inspect their issued equipment prior to and after each use and report any damage per manufacturer recommendations ~~or unusual wear~~ to the Aviation Life Safety Equipment Officer.

(i) Wilderness Search and Rescue Team Requirements

- 1 (1) A wilderness search and rescue team shall maintain a roster of no less than eight personnel that have  
2 completed the NC Land Search Field Team Member Course or other wilderness search course that  
3 meets the current requirements of ~~ASTM~~ the American Society for Testing and Materials F2209  
4 standard which is adopted and incorporated by reference with subsequent changes or amendments  
5 pursuant to ~~G.S. 150B-21.6.~~ G.S. 150B-21.6 and can be found at: [https://www.astm.org/f2209-](https://www.astm.org/f2209-20.html)  
6 [20.html](https://www.astm.org/f2209-20.html) at a cost of \$57.00.
- 7 (2) A wilderness search and rescue team shall maintain a team equipment cache of no less than eight of  
8 the following:
- 9 (A) field pack able to carry required equipment;
  - 10 (B) multi-purpose knife;
  - 11 (C) ~~water container(s)~~ containers sufficient to hold two quarts of potable water;
  - 12 (D) safety glasses;
  - 13 (E) pealess whistle;
  - 14 (F) grid reader for 1:24000 scale;
  - 15 (G) compass;
  - 16 (H) two light sources with spare batteries;
  - 17 (I) ~~set of rain gear;~~ gear to include a jacket with a hood and a pair of pants;
  - 18 (J) tracking stick no less than 42 inches long;
  - 19 (K) watch;
  - 20 (L) ~~fire starting kit;~~ equipment needed to start a fire such as waterproof matches or fire starting  
21 steel;
  - 22 (M) measuring device capable of ~~measure~~ measuring no less than 18 inches;
  - 23 (N) paper and pen or pencil;
  - 24 (O) FEMA ICS 214 form; ~~form~~ which is adopted and incorporated by reference with  
25 subsequent changes or amendments pursuant to G.S. 150B-21.6 and can be found at:  
26 [https://training.fema.gov/emiweb/is/icsresource/assets/ics%20forms/ics%20form%202014,](https://training.fema.gov/emiweb/is/icsresource/assets/ics%20forms/ics%20form%202014,%20activity%20log%20(v3.1).pdf)  
27 [%20activity%20log%20\(v3.1\).pdf](https://training.fema.gov/emiweb/is/icsresource/assets/ics%20forms/ics%20form%202014,%20activity%20log%20(v3.1).pdf) at no cost;
  - 28 (P) 50 foot of cordage;
  - 29 (Q) eight zip ties; and
  - 30 (R) signaling mirror.
- 31 (3) A wilderness search and rescue team shall maintain a rescue equipment cache of no less than the  
32 following:
- 33 (A) two global positioning system receivers; and
  - 34 (B) two first aid ~~kits.~~ kits to include two tourniquets, eight four inch square gauze pads, two  
35 two inch gauze rolls, two rolls of paper tape one inch by ten yards, two rolls of moleskin  
36 patches two inch by five yards, two emergency survival blankets, two triangle bandages,

1 one SAM splint 36 inches in length, five pairs of nitrile gloves, one CPR micromask, and  
2 one trauma shear scissors.

3 (j) Mountain Rescue Team Requirements

- 4 (1) A mountain rescue team shall maintain a roster of no less than eight personnel that have completed  
5 the NC Mountain Rescue Operations ~~Course~~ Course. Of those eight personnel, with no less than  
6 two personnel shall that have also completed the NC Mountain Rescue Technician ~~Level~~ Course.
- 7 (2) A mountain rescue team shall maintain a team equipment cache of no less than eight of following:  
8 (A) field pack able to carry required equipment;  
9 (B) multi-purpose knife;  
10 (C) ~~water container(s)~~ containers sufficient to hold two quarts of potable water;  
11 (D) grid reader for 1:24000 scale;  
12 (E) ~~fire starting kit;~~ equipment needed to start a fire such as waterproof matches or fire starting  
13 steel;  
14 (F) compass;  
15 (G) two light sources with spare batteries;  
16 (H) set of rain ~~gear;~~ gear to include a jacket with a hood and a pair of pants;  
17 (I) watch;  
18 (J) paper and pen or pencil; and  
19 (K) FEMA ICS 214 form;
- 20 (3) A mountain rescue team shall maintain a rescue equipment cache of no less than the following:  
21 (A) two global positioning system receivers;  
22 (B) ten screw gate carabiners;  
23 (C) four belay type friction devices;  
24 (D) eight pre-sewn runners;  
25 (E) eight sets of matching prussik pairs;  
26 (F) four 30 foot ~~cord~~ cords suitable for anchor and litter rigging;  
27 (G) eight mountaineering harnesses;  
28 (H) two rappel type friction devices;  
29 (I) two each of single and double micro pulleys;  
30 (J) two 150 foot ropes with a rating equal to or greater than 20 kilonewtons;  
31 (K) two 250 foot ropes with a rating equal to or greater than 20 kilonewtons;  
32 (L) eight pairs of snow shoes;  
33 (M) eight pairs of trekking poles;  
34 (N) four ice screws;  
35 (O) eight pairs of slip-on boot traction devices;  
36 (P) four pairs of crampons;  
37 (Q) a patient litter such as a military type stokes basket or sked system; and

1 (R) two 800 MHz portable radios programed with the NC VIPER Radio System template.

2

3 *History Note: Authority G.S. 166A-66; 166A-67; 166A-68;*

4 *Eff. ~~January~~ April 1, 2023.*

5

1 14B NCAC 03 .0410 is adopted as published in 37:04 NCR 329 with changes as follows:

2  
3 **14B NCAC 03 .0410 PROCEDURES FOR AUDITING CONTRACT RESPONSE TEAMS AND**  
4 **SPECIALTY RESCUE TEAMS**

5 (a) ~~Contract and specialty rescue teams~~ Teams shall be audited by the NC Division of Emergency Management  
6 NCEM no less than every three years to ensure compliance with program requirements. ~~Contract teams~~ Teams shall  
7 ~~make the following available~~ provide the following for ~~review~~: review by NCEM personnel within five days upon  
8 request:

- 9 (1) administrative records such as internal team plans and procedures, training records, personnel  
10 records, equipment maintenance records, and any fiscal records pertaining to the ~~contract~~ Contract  
11 Response or ~~specialty rescue team~~ Specialty Rescue Team;
- 12 (2) equipment cache to include ensuring all required equipment is present, operational, and in a  
13 deployment ready condition; and
- 14 (3) access to functional exercises that demonstrate the ability of the resource to muster, deploy, and  
15 function. ~~function in their specific functional area.~~

16 (b) ~~An audit report shall be completed and filed to report any findings and recommendations of the audit team within~~  
17 ~~30 days of audit with a copy being sent emailed to the sponsoring agency.~~ Sponsoring Agency. Within 30 days of the  
18 audit, NCEM personnel shall complete, file, and email to the Sponsoring Agency an audit report documenting the  
19 audit team's findings.

- 20 (1) ~~The contract or specialty response team shall reply to any audit findings with a corrective action~~  
21 ~~plan within 30 days of receipt of audit report to the NC Division of Emergency Management. NCEM~~  
22 ~~via email.~~
- 23 (2) ~~The contract or specialty response team shall address the issues of any audit findings prior to the~~  
24 ~~next audit. Any audit of a contract or specialty rescue team that finds the resource did not address a~~  
25 ~~finding from the most recent audit report shall be referred to the NC Search and Rescue Disciplinary~~  
26 ~~Committee.~~
- 27 (3) ~~Any finding of malicious or willful misconduct, misrepresentation, or fraud shall be automatically~~  
28 ~~referred to the NC Search and Rescue Disciplinary Committee.~~

29 (c) ~~The NC Search and Rescue Disciplinary Committee shall be appointed by the Director of the NC Division of~~  
30 ~~Emergency Management. The NC Search and Rescue Disciplinary Committee shall be a workgroup of the NC Search~~  
31 ~~and Rescue Technical Advisory Committee.~~

- 32 (1) ~~The committee shall consist of:~~
- 33 (A) ~~one representative of the NCEM Emergency Services Branch who shall serve as the chair;~~
- 34 (B) ~~one representative from each of the NCEM Regional Branch Offices; and~~
- 35 (C) ~~one representative from each program's technical advisory group.~~

1           ~~(2) The committee shall conduct hearings to review reports of misconduct as well as any reported breach~~  
2           ~~of program requirements. Hearings conducted by the committee shall be informal and no party shall~~  
3           ~~be represented by legal counsel. The disciplinary committee shall determine:~~

4           ~~(A) facts surrounding the incident in question;~~

5           ~~(B) whether the facts of the incident violates the rules of the NC Search and Rescue Program;~~  
6           ~~and~~

7           ~~(C) the recommended sanction to be imposed up to and including dismissal of any individual~~  
8           ~~or team on a temporary or permanent basis from the program.~~

9           ~~(3) The committee shall prepare a final report of their findings for review and concurrence by the NCEM~~  
10          ~~Operations Chief and the NCEM Director. The final decision on disciplinary action shall remain~~  
11          ~~with the NCEM Director.~~

12  
13    *History Note:*     *Authority G.S. 166A-66; 166A-67;*

14                     *Eff. ~~January~~ April 1, 2023.*

## Burgos, Alexander N

---

**Subject:** FW: 14B NCAC 03 Requests for Changes - January 2023 RRC

---

**From:** Polk, Will (CCPS) <Will.Polk@ncdps.gov>

**Sent:** Wednesday, March 1, 2023 8:43 AM

**To:** Liebman, Brian R <brian.liebman@oah.nc.gov>

**Cc:** McDonald, Margaret (CCPS) <margaret.mcdonald@ncdps.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Barnes, Brian (NCEM) <Brian.Barnes@ncdps.gov>

**Subject:** RE: 14B NCAC 03 Requests for Changes - January 2023 RRC

Good morning Brian,

Thank you for the feedback. I will review these and make the formatting changes and get everything back to you, for the March meeting.

Best,  
Will

**Will Polk**

**Deputy General Counsel**

**NC Department of Public Safety**

**919-825-2706 (Office)**

**919-219-4534 (mobile)**

**EMAIL ADDRESS: [Will.Polk@ncdps.gov](mailto:Will.Polk@ncdps.gov)**

[www.ncdps.gov](http://www.ncdps.gov)



## Burgos, Alexander N

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**Subject:** FW: 14B NCAC 03 Requests for Changes - January 2023 RRC

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**From:** Liebman, Brian R <brian.liebman@oah.nc.gov>

**Sent:** Wednesday, March 1, 2023 12:49 AM

**To:** Polk, Will (CCPS) <Will.Polk@ncdps.gov>

**Cc:** McDonald, Margaret (CCPS) <margaret.mcdonald@ncdps.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Barnes, Brian (NCEM) <Brian.Barnes@ncdps.gov>

**Subject:** RE: 14B NCAC 03 Requests for Changes - January 2023 RRC

Hi Will,

I've reviewed the responses to my requests for changes. Clearly, y'all have put a lot of work in here, and I appreciate that. I have several follow ups, however.

First, with respect to formatting. When you make post-publication changes to full adoptions, as you have here, the correct way to format changes is to take the whole rule out of underline, and then only underline and strike through the changes. You also amend the introductory statement to say – using Rule .0401 as an example – “14B NCAC 03 .0401 is adopted as published in 37:04 NCR 320-21 with changes as follows:” See the website at the link below for rule formatting examples. You want to look under Rule Format Examples for Publication in the NC Administrative Code, and then Permanent Adoption with changes from publication. [Rule Format Examples | NC OAH](#)

Second, please see below for individual follow ups about each rule.

### All Rules

*Ensure compliance with defined words, primarily those found in 14B NCAC 03 .0401. In many rules, you depart from the form of the term used in your definitions rule, either using a different term or different abbreviation. As an example, see “North Carolina Search and Rescue System” and reference being made to the “NC Search and Rescue Program” in 14B NCAC 03 .0410. If a phrase, entity, person, or other word is defined or abbreviated, that definition or abbreviation must be used later, depending upon the definition or abbreviation’s applicability.*

**I've seen several examples where this has not been corrected. Please correct throughout. A prominent example I've noticed is “Sponsoring Agency” isn't capitalized although you capitalize it in R. 0402 in the definition. I'm assuming you *want* it capitalized because of how you styled it in the definition. If not, that's fine. Just be consistent.**

*Please capitalize “state” when referring only to the State of North Carolina.*

**I don't think this was corrected anywhere within these Rules. Please correct throughout. I know it seems petty but under our style guide and under the Bluebook, references to “State” mean the State of North Carolina, while references to “state” mean any state level government. So it is a distinction with a difference. The easiest way is to hit Ctrl+G, make sure Word is checking for capitalization in the options, and then search for “state”, and make corrections as necessary.**

.0402



*In (1), what does “has the potential to impact the State” mean? Who makes this determination? That is done by the Governor or delegated to the Division of Emergency management.*

**Thanks for clarifying. That said, the rule itself is still unclear. Please amend the Rule to reflect this info.**

*In (3), you are again using the term defined—“contract response team”—in the definition. The definition here, when boiled down, basically says a contract response team is a contract response team with self sustaining logistical support that can respond to disasters. The only unique term here is “self sustaining logistical support” which is undefined. Please revise. Done.*

**I don’t see a change in the Rule. Please revise the Rule.**

*In (7), line 23, you state that an ICS is “standardized.” Are these FEMA standards? (See above). Also, what is a “standardized[,] on-scene emergency management construct”? What is a “construct” in this usage? Updated.*

**I see the reference to FEMA ICS is deleted in R. 0404, and that you’ve deleted the examples portion of the definition, but the point of the questions about this definition was to impress that the definition is vague and doesn’t really say what an ICS is. Again, what is an “emergency management construct”? To what standards is it being built?**

*Similarly to above requests, in (11), does “resources” or “Resource” mean something beyond “System Resources” in (28)? No. It is the system resources.*

**Why not say so in the Rule then?**

**Also in (11), why is the item number deleted? I think you also need to re-number everything following (11) as well.**

*In (12), what is the “North Carolina Search and Rescue **System**”? G.S. 166A-66 establishes the “North Carolina Search and Rescue Program” in Article 6. Is this a mistake or oversight? Correct the abbreviation and all references in later rules.*

The program is organized into 5 programs. Defined the system as The Program to make it less confusing when talking about the USAR program, Swiftwater program, etc. vs. the entirety of The Program. We are working update GS 166A, but felt this was the easier solution to be clear for now.

**So, if I understand you correctly, you’re using a Rule to essentially rename the Search and Rescue Program from Program--which is the name the statute gives it—to System? If that’s true, then why do you continue to use “Program” in the definitions to follow?**

*In (14), line 15, who determines whether an emergency “could occur”? What is the standard for whether an emergency “could occur”. The Governor or the Secretary of DPS or Director of the Division as delegated by the Governor to recommend a declaration of emergency as defined in the NC Emergency Management Act.*

**Thanks for clarifying. That said, the rule itself is still unclear. Please amend the Rule to reflect this info.**

**Why did you add a new definition for “Resource Typing” at (21) that is identical to the one for “NC Resource Typing” at (11)? Did you mean to delete (11) altogether?**

**In new (23), which is “Sensitive information”, on line 19, please change “a activation” to “an activation.”**

**In (28), p. 4, line 1, you forgot to delete the original formulation of “State Mission Assignment.”**

**In (28), line 2, did you mean to delete both NCEM and North Carolina Division of Emergency Management? If so, then who approves the request?**

It looks like you deleted (d), and made former (e) into new (d). Please format this correctly (see above for the strikethrough/underline guidance) by showing that it used to be (e) with a strikethrough.

Since you're deleting "State Mission Assignment" in former (d)(2), do you still need the definition in Rule .0402?

*In (e), line 28, where is the statutory authority for the LEMC to delegate his or her authority? It looks like the LEMC position is created by statute in G.S. 166A-19.15(b), and I don't see where that provision allows the LEMC to delegate authority. Not saying it isn't there, but I don't see it. Please specify. Deleted.*

**No, it was not deleted. The Rule still states that the LEMC "or their designee shall have the authority to request system resources." Please correct.**

.0404

*In (1), line 5-6, please state with specificity which FEMA ICS and NIMS standards you are incorporating by reference. Please note that G.S. 150B-21.6 requires you to state where these resources can be obtained and at what cost. Please revise.*

**You did not address this request at all. Please revise the rule with the appropriate, specific incorporation.**

*In (2), line 7, what "personnel" must a resource follow? For instance, would the NCEM spokesman be able to direct the activities of a search and rescue team? Please revise for clarity.*

**I think you meant "pursuant" rather than "pursuit" on line 9. Please revise.**

**In (4), you still are incorporating Ch. 132 by reference. Since Ch. 132 applies to DPS as it would any other State agency, it's not necessary to incorporate. Incorporations are more when you're adopting a rule, regulation, or document that doesn't already apply to your agency on its own terms.**

.0405

*In (b), what is "an on-duty status as an emergency management worker"? The referenced statute, G.S. 166A-19.60, defines "emergency management worker", but does not address "on-duty." Please clarify and revise. Done*

**I'm not sure that the revision added clarity here. As amended, it now says that "System Personnel shall be in work as an emergency management worker as defined in G.S. 166A-19.60(e)." Not sure that "in work" is any clearer than "on duty". What exactly are you requiring? That System Personnel also be "emergency management workers"? If so, I think you need to say what that means functionally – what does a member of a contract response team or a specialty response team have to do to be an emergency management worker?**

*In (d), line 14, what does it mean to "maintain all team training"?*

**Changing "team" to "system personnel" really doesn't answer the question, which is what training are you requiring?**

*In (g), line 17, what "documentation" is required? Receipts and expenditure reports.*

**Why not say so in the Rule then?**

*In (g), lines 18-19, where can this Guide be found and at what cost?*

**You did not address this request at all. Please revise the rule with the appropriate, specific incorporation.**

.0407

*All references to "NCEM" and "NC SAR System" should be double checked to make sure they comply with any changes made to 14B NCAC 03 .0402. Also, ensure the abbreviations are used.*

**I've noticed issues with this throughout these rules, but here, specifically, I saw you've got NCEM and "NC Emergency Management" in the same paragraph, (b)(1).**

Also, in (b)(1), line 19, what is a “memorandum of agreement”? Is this a contract? Yes and we simplified it.

**I don't see a change to the Rule.**

In (C), what are “members”? This has not been used before. Is this similar to “personnel”?

**I know I didn't explicitly call it out, but “members” is also used in (b)(1) and (2). Same question here.**

**With respect to (c)(2), I'm a little confused by the addition made here. Who is submitting the bid package? The agency? Or does this refer to the distribution of the bid package as referenced in (c), line 27? I think the issue is that (c)(2) is in the passive tense, so this could be fixed by re-writing in the active tense.**

In (c)(4), line 33, what are the “agreed upon criteria”? How is this established or what statute or rule is this determination made pursuant to? Who agrees upon this criteria? What informs the regulated public of this review process? Updated.

**Thanks for making the change. Suggest simplifying to: “This committee will open all completed sealed bid packages and evaluate them based on ~~an agreed upon~~ the criteria as outlined in Rule .0408 of this Section...”**

Additionally, in (c)(6), lines 1-2, avoid a comma splice and rewrite the subparagraph as “... notified and system agreements shall be drafted and executed...”

Further, what are “system agreements”?

**Thanks for making changes here. I just noticed that you omitted “system” and it's not showing anymore. Sorry to be picky here, but when you reformat, make sure you're showing all deletions and all additions.**

In (c)(7), line 3, the rule states the agreement has to be with the “sponsoring agency”. I thought these agreements were between the NCEM and the contract response team. Please clarify. The sponsoring agency is the lead agency for a contract response team if they are multi agency teams.

In (c)(7)(A), lines 5-6, the rule states that the agreement is with the “sponsoring agency”, but then states that the agreement will outline the terms that the “resource” must follow. Aren't these two different entities? How can the sponsoring agency make an agreement to bind the resource?

**I'm not sure the changes answer my question. I'm still not clear how the sponsoring agency can enter an agreement with NCEM to bind a third party who isn't a party to the agreement, unless the “resources” or “team” is somehow subordinate to the sponsoring agency. Perhaps providing a real world example (here, not in the Rule) might clear this up for me? What happens if there is no sponsoring agency?**

In (c)(7)(A), line 9, is the “contract period” referenced the contract between NCEM and the contract response team? Or is it the period of the two agreements mentioned in line 3? Please clarify. Clarified.

**Where did the “four-year contract period with an optional one-year extension” come from? If this is a post-publication addition to the Rule that is defining the length of the contract, where it wasn't previously defined in statute or Rule, I'd say this is a substantial change, in that it creates an effect that couldn't have been expected based on the published language.**

**Also, it's not clear—is the contract for 4 years and a 1 year extension, or the agreement, or both?**

In (c)(7)(C), line 14, how is “search and rescue capability” defined? You're telling your regulated public they can only use the money for one purpose but don't define that purpose. Please revise.

**Changing from “any other purpose other than maintaining or building search and rescue capability” to “any other purpose other than for the purposes of this program” doesn't really address the issue, which is you're not saying what the funds shall be used for. Please revise.**

**Also, in revising, please note that “any other purpose other than...” is redundant. Omit one “other”.**

*In (d)(2), line 29, what is “program support”?* Removed

*In (d)(2), line 29, what are “program standards” and how are they developed?* Removed

*In (d)(2), line 30, what is “specialized training”?* Defined

*In (d)(2) line 30, what is “specialized equipment”?* Defined

**As they’re not defined in this Rule, please cross reference the Rule where they are defined.**

**Also, I think as edited the sentence in (d)(2) needs further editing – “NC Emergency Management (should be NCEM, too) shall support training, and equipment requirements within the confines of available funding.” Originally, I asked what “program support” meant, and you just deleted “program”. I still don’t know what support means. It appears to me that you mean that NCEM is going to pay for training and equipment to the extent that NCEM has the funds to do so. But I can’t say that for sure.**

*Also on line 36, what is a “self-supported resource”?*

*In (d)(5), line 2, I thought a specialty rescue team was supposed to be “self-supported”? How can it be self-supported but have agreements with other agencies for support? Please clarify and revise. Self supported when they deploy, but can be made up of several agencies to make a single team.*

**I think you need to revise (d)(4) and (5) to make it clear what you mean by “support” and “self-sufficient.” As currently written, (d)(4) says that a specialty rescue team shall demonstrate their ability to provide a self sufficient team... The team is providing a team? This does not make sense. Then (d)(5) says that the agency that sponsors the team shall have agreements for... support in maintaining the team that supposedly should not need support. I understand that the team should be able to deploy and stay in the field without support, but that does not come through in this Rule.**

.0408

*Also, in (a)(1), how are “bidding entities... submitted”? Please revise.*

**This really hasn’t been addressed. If you read the sentence from (a) through the beginning of (1) as intended, it reads: “Bidding agency shall be submitted via courier, United States Mail, or hand delivered by an authorized representative....” I think you need to amend (a)(1) to say something along the lines of “submit their bids via courier...” so the whole thing reads “Bidding agencies shall submit their bids via courier, United States Mail, or via hand delivery by an authorized....”**

*In (b), what criteria found within 2 CFR Part 200 shall be used in the evaluation? Please specify. This is the Uniform Administrative Requirements for Grants and Agreements. I simplified the language for federal dollars as this would govern from procurement to close out of the grant.*

**If by “federal...procurement rules” you mean 2 CFR Part 200, you still need to incorporate those rules by reference. Also, I think you need to incorporate the state rules by reference as well. Local rules would vary by locality, so it wouldn’t be possible to incorporate them, but if you’re applying state and federal rules here, you need to incorporate them.**

.0409

*In (a)(2), lines 8-9, is it within the authority delegated to the agency by the General Assembly to determine whether personnel is or is not an agent of the State as a matter of law? Yes. See GS 166A-19.60(e) (e) Definition of Emergency Management Worker. - As used in this section, the term "emergency management worker" shall include any full or part-time paid, volunteer, or auxiliary employee of this State or other states, territories, possessions, or the District of Columbia, of the federal government or any neighboring country or of any political subdivision thereof, or of any agency or organization performing emergency management services at any place in this State, subject to the order or control of or pursuant to a request of the State government or any political*

subdivision thereof. The term "emergency management worker" under this section shall also include any health care worker performing health care services as a member of a hospital-based or county-based State Medical Assistance Team designated by the North Carolina Office of Emergency Medical Services and any person performing emergency health care services under G.S. 90-12.2.

**I read 166A-19.60 to determine who is an emergency management worker, and who is entitled to immunity, rather than who is or is not a state agent. The question is whether there is a statute that allows DPS, through rulemaking, to establish who is a state agent and who is not.**

*In Item (a)(5)(B), 12 NCAC 09B .0111(1) is an incorrect reference. The Criminal Justice Education and Training Standards Commission recently revised several of their rules, so please revisit and correct the reference.*

**Thanks for making changes. I have questions about the changes to (a)(5). First, on line 18, how are you determining whether someone has "committed" one of the enumerated acts, if they have not been convicted of the same?**

**Second, on line 26, "misdemeanor" should be plural.**

**Third, I think you're adding a new requirement here, that was not in the published text. The original language did not include the "four or more crimes" clause that you've added. Adding this after publication is, in my view, a substantial change under G.S. 150B-21.2(g) in that it creates an effect not contemplated by the published text and/or affects a group of people who would not have known their interests would be affected by the published text (i.e. people who have 4 or more misdemeanor convictions). Was this somewhere in the published text that I missed?**

*In (c), (e), and (f), where are the "Type I" and "Type II" teams outlined or created?*

**You didn't address this. Please answer and revise the rule as necessary.**

*And what is the federal "Equivalent Course". A course that has the same or similar curriculum*

**I see you added a link to the FEMA Structural Collapse Specialist Course, and I think this is good, except for one problem. I followed the link and couldn't find the course. Can you add a more specific link?**

*In the subparagraphs (e)(1) through (3), how is "training that meets or exceeds training requirements" met? It is done by the NC SAR Team Advisory Committee.*

**What is done? What does the TAC do?**

**In (f)(1)(K), line 6, I noticed "harness" should be plural. Please check this entire rule for number agreement, as it was an issue throughout, and while I've tried to call out all issues for you, I may have missed one or two.**

**On p. 6, line 34, fix the alignment on (3), as it's been tabbed over too far to the right.**

*In (i) and (k)(2)(I), what is in the "set" of rain gear, and, in (i)(2)(L), the "fire starting kit".*

**Looks good, thanks for making the edit. In (i)(2)(I) and (j)(2)(H), can you please say "a" jacket and "a" pair of pants? Just to get the numbers right.**

**In (j)(1), I think it might read better if you broke this into two sentences. For instance: "A mountain rescue team shall maintain a roster of no less than eight personnel who have completed the NC Mountain Rescue Operations Course. Of those eight, two personnel shall have also completed the NC Mountain Rescue Technician Level Course."**

**On p. 9, line 20, fix the alignment on (3), as it's been tabbed over too far to the right.**

**In (j)(2)(K), line 16, you don't need to incorporate the FEMA ICS 214 form by reference again, since you already did it earlier in the Rule.**

.0410

*In (b) and the items under it, the text could use a rewrite for clarity. For instance, (b) is in the passive tense and could be simplified. Similarly, (b)(1) and (2) are more verbose than necessary. Please revise and simplify.*

**I think (b) is still in the passive tense. Consider (if this is correct): “Within 30 days of the audit, NCEM personnel shall complete, file, and email to the Sponsoring Agency an audit report documenting the audit team’s findings.”**

**While (b)(1) is better, I think (b)(2) is still unclear, and references the disciplinary committee that has been deleted in paragraph (c).**

**Thanks for the hard work on this. Please response to these further requests as soon as possible, but no later than Friday, March 10. If you have questions about any of these, I’d be happy to discuss.**

Best,  
Brian

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## **Burgos, Alexander N**

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**Subject:** FW: 14B NCAC 03 Requests for Changes - January 2023 RRC

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**From:** Liebman, Brian R <brian.liebman@oah.nc.gov>  
**Sent:** Wednesday, February 15, 2023 11:55 AM  
**To:** Polk, Will (CCPS) <Will.Polk@ncdps.gov>  
**Cc:** McDonald, Margaret (CCPS) <margaret.mcdonald@ncdps.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Barnes, Brian (NCEM) <Brian.Barnes@ncdps.gov>  
**Subject:** RE: 14B NCAC 03 Requests for Changes - January 2023 RRC

Good morning, Will,

Thanks for letting me know. I will take a look, and once we're past tomorrow's meeting, I'll reach out with any further questions I have.

Have a great rest of your week,  
Brian

Brian Liebman  
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(984)236-1948  
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E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law N.C.G.S. Chapter 132 and may be disclosed to third parties.

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**From:** Polk, Will (CCPS) <[Will.Polk@ncdps.gov](mailto:Will.Polk@ncdps.gov)>  
**Sent:** Wednesday, February 15, 2023 11:48 AM  
**To:** Liebman, Brian R <[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)>  
**Cc:** McDonald, Margaret (CCPS) <[margaret.mcdonald@ncdps.gov](mailto:margaret.mcdonald@ncdps.gov)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Barnes, Brian (NCEM) <[Brian.Barnes@ncdps.gov](mailto:Brian.Barnes@ncdps.gov)>  
**Subject:** RE: 14B NCAC 03 Requests for Changes - January 2023 RRC

Good morning Brian,

I'm sure you are preparing for tomorrow. I submitted an updated .0402 with the correct page numbering format. Also, once you've had a chance to review maybe we can schedule a time to talk to resolve any outstanding questions you may have.

Best,  
Will

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1 14B NCAC 03 .0402 is adopted as published in 37:04 NCR 320-321 as follows:

2  
3 **14B NCAC 03 .0402 ABBREVIATIONS AND DEFINITIONS**

4 As used in this **Section** the following abbreviations and terms mean:

5 (1) **“Activation” means the status of a System Resource placed at the direction, control, and funding of**  
6 **NCEM as part of the NC SAR Program.**

7 ~~(1) (2) All hazards Disaster Response Model –~~ **“All-hazards Disaster Response Model” means** a response  
8 methodology where ~~resources~~ **system resources** provide all applicable capability to respond to any  
9 ~~threats~~ **threat** or hazard that is impacting the state or ~~has the potential is forecasted to~~ impact the  
10 state **State.**

11 ~~(2) (3) Authority Having Jurisdiction (AHJ)–~~ **“Authority Having Jurisdiction” (AHJ) means** those local,  
12 state, or federal entities having ~~response authority~~ **a duty** to act over a specific aspect of search and  
13 rescue in a specific geographic area.

14 ~~(3) (4) Contract Response Team – A~~ **“Contract Response Team” means** a regional all-hazards disaster  
15 response contract response team as defined in G.S. 166A-65 ~~which is adopted and incorporated by~~  
16 ~~reference with subsequent changes or amendments pursuant to G.S. 150B-21.6~~ with self-sustaining  
17 logistical support allowing for responses into disaster areas.

18 ~~(4) (5) County to County Mutual Aid–~~ **“County to County Mutual Aid” means public safety resource**  
19 **Resourcee** sharing between local governments under the conditions of the **NC Statewide Mutual Aid**  
20 **Agreement** or another similar agreement between local governments.

21 ~~(5) (6) Federal Emergency Management Agency (FEMA)–~~ **“Federal Emergency Management Agency”**  
22 **(FEMA) means** is an agency of the United States Department of Homeland Security with the  
23 responsibility to coordinate the **federal** response to a ~~Presidentially-declared disasters that has~~  
24 ~~occurred in the United States States, and that overwhelms the resources of local and state authorities.~~

25 ~~(6) (7) FEMA Public Assistance Program – is~~ **“FEMA Public Assistance Program” means** a federal  
26 reimbursement grant program that provides federal funding to help communities respond to and  
27 recover from disasters.

28 **(8) “Functionally equivalent” means an item or group of items that can be used in the same basic manner**  
29 **as another item or items to perform a task to the same standard.**

30 ~~(7) (9) Incident Command System (ICS) – A~~ **“Incident Command System” (ICS) means** a standardized on-  
31 scene emergency management construct specifically designed to provide an integrated  
32 organizational structure that reflects the complexity and demands of single or multiple incidents,  
33 without being hindered by jurisdictional boundaries. ~~The Incident Command System is the~~  
34 ~~combination of facilities, equipment, personnel, procedures, and communications operating within~~  
35 ~~a common organizational structure, designed to aid in the management of resources during incidents.~~  
36 **ICS is used for all kinds of emergencies and is applicable to small as well as large and complex**

1 ~~incidents. ICS is used by various jurisdictions and functional agencies, both public and private, to~~  
2 ~~organize field level incident management operations.~~

3 ~~(8) Incident Support Team (IST) — A group of search and rescue experts who assist local and state~~  
4 ~~emergency management in management and support of deployed search and rescue system~~  
5 ~~resources.~~

6 (9) (10) ~~Local Emergency Management Coordinator (LEMC) — The~~ “Local Emergency Management  
7 ~~Coordinator” (LEMC) means the~~ County Emergency Management Coordinator ~~as defined in G.S.~~  
8 ~~166A-19.15 who is responsible for all local disaster preparedness, response, and recovery activities~~  
9 ~~in a specific geographic area.~~ county.

10 (10) (11) ~~NC All Hazards Incident Management Team (NCAHIMT) — The~~ “NC All-Hazards Incident  
11 ~~Management Team” (NCAHIMT) mean the~~ North Carolina ~~Division of~~ Emergency Management’s  
12 ~~program responsible for supporting local and state incident management requirements in local and~~  
13 ~~state~~ during disaster response activities.

14 (11) ~~NC Resource Typing – A document defining and categorizing, by capability, the resources~~  
15 ~~requested, deployed, and used in incidents. Resource typing definitions establish a common~~  
16 ~~language and defines define a resource's minimum capabilities for equipment, teams, and units.~~

17 (12) ~~North Carolina Search and Rescue System (NC SAR System) — The~~ “North Carolina Search and  
18 ~~Rescue System” (NC SAR System) means the~~ NC Search and Rescue Program ~~state search and~~  
19 ~~rescue program~~ established in Article 6 of Chapter 166A of the North Carolina General Statutes.

20 (13) ~~North Carolina Search and Rescue Technical Team Advisory Committee (NC SAR TAC) — An~~  
21 ~~“North Carolina Search and Rescue Technical Team Advisory Committee” (NC SAR TAC) means~~  
22 ~~an~~ advisory committee established in Article 6 of Chapter 166A of the North Carolina General  
23 ~~Statutes to advise the Secretary of the North Carolina Department of Public Safety and the North~~  
24 ~~Carolina Division of Emergency Management on the establishment of a search and rescue system~~  
25 ~~the North Carolina Search and Rescue Program.~~

26 (14) ~~North Carolina Emergency Management (NCEM) — A~~ “North Carolina Division of Emergency  
27 ~~Management” (NCEM) means a~~ division of the North Carolina Department of Public Safety  
28 ~~established in G.S. 143B-1000 with the responsibility to coordinate the mitigation, planning,~~  
29 ~~preparedness, response, and recovery to a disaster or emergency that has or could occur in the State.~~

30 (15) ~~North Carolina Emergency Management Operations Chief (NCEM OSC) — The~~ “North Carolina  
31 ~~Emergency Management Operations Chief” (NCEM OSC) means the~~ Assistant Director of  
32 ~~Operations for the North Carolina Division of Emergency Management.~~

33 (16) ~~North Carolina Emergency Management Director (NCEM Director) — The~~ “North Carolina  
34 ~~Emergency Management Director” (NCEM Director) means the~~ Director of the North Carolina  
35 ~~Division of Emergency Management.~~

36 (17) ~~National Incident Management System (NIMS) — A set of principles~~ “National Incident  
37 ~~Management System” (NIMS) means a federal policy that provides~~ provide a systematic, proactive

1 approach guiding government agencies at all levels, nongovernmental organizations, and the private  
2 sector to work to prevent, protect against, respond to, recover from, and mitigate the effects of  
3 incidents, regardless of cause, size, location, or complexity, to reduce the loss of life or property and  
4 harm to the environment.

5 (18) ~~On duty~~—When **“On-duty” means when** a person is acting ~~functioning, paid or unpaid,~~ as an agent  
6 of their ~~sponsoring or participating agency~~ **Sponsoring or Participating Agency** or ~~of~~ the NC  
7 Division of Emergency Management as part of the NC Search and Rescue Program.

8 (19) ~~Participating Agency (PA)~~—An **“Participating Agency” (PA) means an** entity that assists a  
9 sponsoring agency with the formation of a search and rescue team by providing personnel or  
10 equipment.

11 (20) **“Program costs” means training, equipment, personnel, or administrative expenses incurred by a**  
12 **Sponsoring or Participating Agency during activities of the NC SAR Program.**

13 (21) **“Resource Typing” means a** document defining and categorizing, by capability, the resources  
14 requested, deployed, and used in incidents.

15 (22) ~~Responsible Party (RP)~~—The **“Responsible Party” (RP) means the** entity whose actions or inactions  
16 caused an event as determined ~~by the authority having jurisdiction~~ requiring ~~search and rescue~~  
17 ~~system resources.~~ **System Resources to respond and incur costs.**

18 (23) ~~Sensitive Information~~—Any **“Sensitive information” means any** information, to include ~~but not~~  
19 ~~limited to~~ audio recordings, images, and video ~~recordings gained~~ **recordings, obtained** during a  
20 ~~search and rescue operation~~ **activation** that has not been released to the public by the ~~authority having~~  
21 ~~jurisdiction~~ **AHJ.**

22 (24) ~~Specialty Rescue Team~~—A **“Specialty Rescue Team” means a** group of response personnel who  
23 ~~provided~~ **provide** specialized, technical search and rescue capability ~~as part of the North Carolina~~  
24 ~~Search and Rescue Program that is not a contract response team as defined in G.S. 166A-65.~~

25 (25) ~~Sponsoring Agency (SA)~~—A **“Sponsoring Agency” (SA) means a** local or tribal unit of government  
26 or other entity with an ~~active response~~ agreement with a local unit of government that organizes and  
27 coordinates a search and rescue team in the North Carolina Search and Rescue ~~System~~ **Program.**  
28 **This entity serves as the lead agency for teams comprised of multiple agencies.**

29 (26) ~~State Coordinated Mutual Aid—Assistance~~ **“State Coordinated Mutual Aid” means assistance in**  
30 **technical support, personnel, or equipment** between ~~the~~ North Carolina Search and Rescue ~~System~~  
31 ~~Program’s~~ resources and local units of government facilitated and coordinated by ~~the~~ North Carolina  
32 ~~Division of~~ Emergency Management.

33 (27) ~~State Emergency Operations Plan (SEOP)~~—A **“State Emergency Operations Plan” (SEOP) means**  
34 **a document maintained** under the authority of G.S. 166A-19.12(2) that details how the State of North  
35 Carolina will respond to a disaster or emergency requiring state assistance utilizing an ~~established~~  
36 ~~comprehensive, all hazards approach~~ **All-Hazards Disaster Response Model.**

1 (28) State Mission Assignment (State Mission) – A “State Mission Assignment” (State Mission) means  
2 a NCEM North Carolina Division of Emergency Management approved request for assistance to  
3 deploy ~~search and rescue system~~ North Carolina Search and Rescue Program resources at the request  
4 of a local unit of government.

5 (29) System Personnel — Personnel “System Personnel” means human resources from a contract or  
6 specialty rescue team with an active response agreement with the Division of Emergency  
7 Management for search and rescue response or human resources employed on a full time or part  
8 time basis by the Division of Emergency Management with a responsibility for search and rescue  
9 response.

10 (30) System Resource — Personnel “System Resource” means personnel or equipment from a contract or  
11 specialty rescue team that is participating in the NC Search and Rescue Program with an active  
12 response agreement with the North Carolina Division of Emergency Management for search and  
13 rescue response.

14  
15 History Note: Authority G.S. 166A-65; 166A-66; 166A-67; 166A-69;  
16 Eff. ~~January~~ April 1, 2023.  
17

## Burgos, Alexander N

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**Subject:** FW: 14B NCAC 03 Requests for Changes - January 2023 RRC

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**From:** Liebman, Brian R <brian.liebman@oah.nc.gov>  
**Sent:** Monday, February 13, 2023 8:58 AM  
**To:** Polk, Will (CCPS) <Will.Polk@ncdps.gov>  
**Cc:** McDonald, Margaret (CCPS) <margaret.mcdonald@ncdps.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Barnes, Brian (NCEM) <Brian.Barnes@ncdps.gov>  
**Subject:** Re: 14B NCAC 03 Requests for Changes - January 2023 RRC

Good morning, Will,

Thanks for clarifying. I will review any changes you had to Rule .0404 along with the rest of the resubmitted rules.

Brian

Brian Liebman  
Counsel to the North Carolina Rules Review Commission  
Office of Administrative Hearings  
(984)236-1948  
[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law N.C.G.S. Chapter 132 and may be disclosed to third parties.

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**From:** Polk, Will (CCPS) <[Will.Polk@ncdps.gov](mailto:Will.Polk@ncdps.gov)>  
**Sent:** Monday, February 13, 2023 8:56:07 AM  
**To:** Liebman, Brian R <[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)>  
**Cc:** McDonald, Margaret (CCPS) <[margaret.mcdonald@ncdps.gov](mailto:margaret.mcdonald@ncdps.gov)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Barnes, Brian (NCEM) <[Brian.Barnes@ncdps.gov](mailto:Brian.Barnes@ncdps.gov)>  
**Subject:** RE: 14B NCAC 03 Requests for Changes - January 2023 RRC

Good morning Brian L,

Just wanted to clarify that my client agency DOES NOT want to withdraw Rule .0404. Sorry for the confusion.

Best,  
Will

**Will Polk**  
**Deputy General Counsel**  
**NC Department of Public Safety**  
919-825-2706 (Office)  
919-219-4534 (mobile)  
**EMAIL ADDRESS:** [Will.Polk@ncdps.gov](mailto:Will.Polk@ncdps.gov)  
[www.ncdps.gov](http://www.ncdps.gov)



Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

## Burgos, Alexander N

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**Subject:** FW: 14B NCAC 03 Requests for Changes - January 2023 RRC

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**From:** Liebman, Brian R <brian.liebman@oah.nc.gov>  
**Sent:** Friday, February 10, 2023 5:39 PM  
**To:** Polk, Will (CCPS) <Will.Polk@ncdps.gov>  
**Cc:** McDonald, Margaret (CCPS) <margaret.mcdonald@ncdps.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Barnes, Brian (NCEM) <Brian.Barnes@ncdps.gov>  
**Subject:** RE: 14B NCAC 03 Requests for Changes - January 2023 RRC

Great, thanks for clarifying.

Brian Liebman  
Counsel to the North Carolina Rules Review Commission  
Office of Administrative Hearings  
(984)236-1948  
[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)

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**From:** Polk, Will (CCPS) <[Will.Polk@ncdps.gov](mailto:Will.Polk@ncdps.gov)>  
**Sent:** Friday, February 10, 2023 5:37 PM  
**To:** Liebman, Brian R <[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)>  
**Cc:** McDonald, Margaret (CCPS) <[margaret.mcdonald@ncdps.gov](mailto:margaret.mcdonald@ncdps.gov)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Barnes, Brian (NCEM) <[Brian.Barnes@ncdps.gov](mailto:Brian.Barnes@ncdps.gov)>  
**Subject:** RE: 14B NCAC 03 Requests for Changes - January 2023 RRC

Yes, we are looking at adoption of the March meeting.

**Will Polk**  
**Deputy General Counsel**  
**NC Department of Public Safety**  
**919-825-2706 (Office)**  
**919-219-4534 (mobile)**  
**EMAIL ADDRESS:** [Will.Polk@ncdps.gov](mailto:Will.Polk@ncdps.gov)  
[www.ncdps.gov](http://www.ncdps.gov)



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**From:** Liebman, Brian R <brian.liebman@oah.nc.gov>  
**Sent:** Friday, February 10, 2023 5:36 PM  
**To:** Polk, Will (CCPS) <[Will.Polk@ncdps.gov](mailto:Will.Polk@ncdps.gov)>  
**Cc:** McDonald, Margaret (CCPS) <[margaret.mcdonald@ncdps.gov](mailto:margaret.mcdonald@ncdps.gov)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Barnes, Brian (NCEM) <[Brian.Barnes@ncdps.gov](mailto:Brian.Barnes@ncdps.gov)>  
**Subject:** RE: 14B NCAC 03 Requests for Changes - January 2023 RRC

Will,

Thanks for sending these. For the record, you're still going to the March meeting with these, correct?

Brian

Brian Liebman  
Counsel to the North Carolina Rules Review Commission  
Office of Administrative Hearings  
(984)236-1948  
[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law N.C.G.S. Chapter 132 and may be disclosed to third parties.

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**From:** Polk, Will (CCPS) <[Will.Polk@ncdps.gov](mailto:Will.Polk@ncdps.gov)>  
**Sent:** Friday, February 10, 2023 5:30 PM  
**To:** Liebman, Brian R <[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)>  
**Cc:** McDonald, Margaret (CCPS) <[margaret.mcdonald@ncdps.gov](mailto:margaret.mcdonald@ncdps.gov)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Barnes, Brian (NCEM) <[Brian.Barnes@ncdps.gov](mailto:Brian.Barnes@ncdps.gov)>  
**Subject:** RE: 14B NCAC 03 Requests for Changes - January 2023 RRC

Good afternoon Brian,

I hope you are doing well. Attached is our responses to your questions and edits to the rules. Please feel free to reach out if you still have questions. I am going to request to withdraw 14B NCAC 03 .0404 as after further review, it is my view that this is more internal operation of teams and management within the agency and not necessary to codify in the Admin code.

Have a good weekend.

Best,  
Will

**Will Polk**  
**Deputy General Counsel**  
**NC Department of Public Safety**  
**919-825-2706 (Office)**  
**919-219-4534 (mobile)**  
**EMAIL ADDRESS:** [Will.Polk@ncdps.gov](mailto:Will.Polk@ncdps.gov)  
[www.ncdps.gov](http://www.ncdps.gov)





REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Department of Public Safety

RULE CITATION: All Rules

**DEADLINE FOR RECEIPT: Friday, January 13, 2023.**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Ensure compliance with defined words, primarily those found in 14B NCAC 03 .0401. In many rules, you depart from the form of the term used in your definitions rule, either using a different term or different abbreviation. As an example, see "North Carolina Search and Rescue System" and reference being made to the "NC Search and Rescue Program" in 14B NCAC 03 .0410. If a phrase, entity, person, or other word is defined or abbreviated, that definition or abbreviation must be used later, depending upon the definition or abbreviation's applicability.*

*All uses of "NC" or any other shortened phrase without an appropriate abbreviation being stated beforehand should be spelled out in its entirety on the first use. For example, 14B NCAC 03 .0402 (10) and (11) and 14B NCAC 03 .0404 "FEMA ICS and NIMS".*

*Please capitalize "state" when referring only to the State of North Carolina.*

*Change all instances of "must" to "shall."*

*Please change your effective dates, as February 1, 2023 is the earliest possible effective date for these rules.*

*Throughout these Rules, I believe you've incorrectly applied G.S. 150B-21.6. You do not need to incorporate other rules or statutes by reference. However, you do need to incorporate by reference federal laws or regulations, the FEMA documents referenced in some of your rules, and other sources of information that you're attempting to enforce through these rules. Please revisit your incorporations and any other location where you're referencing outside material and revise accordingly. Further, please remember that G.S. 150B-21.6 requires you to state where the material is available and at what cost.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman  
Commission Counsel

Date submitted to agency: 1/5/23

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Department of Public Safety

RULE CITATION: 14B NCAC 03 .0401

**DEADLINE FOR RECEIPT: Friday, January 13, 2023.**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*In general, is this Rule necessary? We generally discourage the use of purpose or scope rules. Yes, As to the necessity question, I think it is very important this we define the scope of the rules as there are many folks who work in search and rescue in NC outside of our program and it is important for them to understand that these rules only apply to participants of the program.*

*In (a), line 7, I believe "Department of Public Safety" should be possessive: "...the North Carolina Department of Public Safety's Division of Emergency Management...."*

*In (b), what "other participants" are being referenced? Is this defined? Does this encompass all involved entities, such as "Contract Response Teams" or "Participating Agencies", or perhaps all persons or entities made parties pursuant to G.S. 166A-66(a)(9)?*

*In (b), line 9, is it necessary to say "North Carolina Division of Emergency Management"? Earlier you say the "North Carolina Department of Public Safety Division of Emergency Management."*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman  
Commission Counsel  
Date submitted to agency: 1/5/23

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Department of Public Safety

RULE CITATION: 14B NCAC 03 .0402

**DEADLINE FOR RECEIPT: Friday, January 13, 2023.**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*All definitions should be formatted as “(Definition)” means (explanation). Please change all definitions to mirror the format for clarity.*

*Also, (3), (8), and (22) are terms defined in G.S. 166-65. To the extent that the definitions in the Rule differ from the statutory definitions, please explain whether you are expanding or narrowing the definition. It is the same as defined in the statute.*

*On line 4, I believe you meant to say “As used in this Section...”*

*In (1), what are “resources” and how do they “provide all applicable capability...”? “Resources” here seems to reference persons, while Article 1A, Part 2, Article 4, and Article 6 do not define “resources” but do use it in the context of things, rather than persons. Is this a reference to “System Resources” in item (28)? Yes.*

*In (1), “threats” in line 6 should be singular.*

*In (1), what does “has the potential to impact the State” mean? Who makes this determination? That is done by the Governor or delegated to the Division of Emergency management.*

*In (2), you are using the term defined—“authority”—in the definition. Please rephrase.*

*In (2), what is “response authority”? Resolved.*

*In (3), you do not need to incorporate the statute by reference here. Simply referencing it will suffice (i.e. delete everything between “which is adopted” and “pursuant to G.S. 150B-21.6”).*

*In (3), you are again using the term defined—“contract response team”—in the definition. The definition here, when boiled down, basically says a contract response team is a contract response team with self sustaining logistical support that can*

Brian Liebman

Commission Counsel

Date submitted to agency: 1/5/23

*respond to disasters. The only unique term here is “self sustaining logistical support” which is undefined. Please revise. Done.*

*The definition in (4) needs more specificity. Similarly to (1), what “resource” is being “shared”? Also, what is the “NC Statewide Mutual Aid Agreement”? Consider incorporating by reference. The statewide mutual aid agreement is a document the Division maintains pursuant to NCGS 166A-19.72.*

*In (5), line 19, who determines when the disaster “overwhelms” the resources of local and State authorities? This is determined by Emergency Management at the State and local level.*

*The definition of (7) has large portions which say how the ICS is used and give examples of an ICS, rather than actually saying what the ICS is. Please revise. Updated.*

*With respect to (7), in Rule .0404(1), you refer to “FEMA ICS”, rather than just “ICS”. Is this the same thing? Is ICS defined somewhere in FEMA’s regulations? If so, I think an incorporation by reference here might be necessary. Updated.*

*In (7), line 23, you state that an ICS is “standardized.” Are these FEMA standards? (See above). Also, what is a “standardized[,] on-scene emergency management construct”? What is a “construct” in this usage? Updated.*

*In (8), the definition of “Incident Support Team” is already done by statute, which is not referenced here. Please reference the statute. We took it out.*

*In (8), line 32, the phrase “...assist local and State emergency management **in management**...” is redundant. Please revise.*

*In (9), what is a “County Emergency Management Coordinator”? Is this pursuant to G.S. 166A-19.15 or another statute? Yes, have added it into the document.*

*In (9), line 36, when you say “specific geographic area” do you mean “county”? Yes.*

*In (10), lines 1-2, is “The North Carolina Emergency Management program” the same as the “State Emergency Management Program” established in G.S. 166A-19.10? Also, ensure this complies with (14)’s requests. Yes.*

*In (10), line 3, what are “incident management requirements”? Revised, “to incident management” to simplify it down to what it is.*

*Similarly to above requests, in (11), does “resources” or “Resource” mean something beyond “System Resources” in (28)? No. It is the system resources.*

*Also, in (11), line 5, what “resource typing definitions” are being referenced? What “definitions”? Consider revising the definition to include the second sentence’s purpose*

*within the definition itself and avoid non-definitional substance. Deleted second sentence.*

*In (11), line 6, I believe “defines” should be singular.*

*In (12), what is the “North Carolina Search and Rescue **System**”? G.S. 166A-66 establishes the “North Carolina Search and Rescue Program” in Article 6. Is this a mistake or oversight? Correct the abbreviation and all references in later rules*

*Also, the definition in (12) appears to include two mistakes: (1) the Committee is tasked to advise the Secretary, based on G.S. 166A-69(d) and does not mention the Division of Emergency Management; and (2) the “search and rescue system” should be the “North Carolina Search and Rescue Program”, which needs to be accurately stated and as a proper noun. The program is organized into 5 programs. Defined the system as The Program to make it less confusing when talking about the USAR program, Swiftwater program, etc. vs. the entirety of The Program. We are working update GS 166A, but felt this was the easier solution to be clear for now.*

*Similarly, in (13), what is the “North Carolina Search and Rescue Technical Advisory Committee”? G.S. 166A-69 establishes the “North Carolina Search and Rescue Team Advisory Committee” in Article 6. Is this a mistake or oversight? Correct the abbreviation and all references in later rules.*

*In (14), what is the “North Carolina Emergency Management”? Does the agency mean the “Division of Emergency Management” as is found in G.S. 166A-19.3(4) and as is referenced in item (27) of this Rule? The proper name, especially when established by statute, should be used. Corrected.*

*In (14), line 15, who determines whether an emergency “could occur”? What is the standard for whether an emergency “could occur”. The Governor or the Secretary of DPS or Director of the Division as delegated by the Governor to recommend a declaration of emergency as defined in the NC Emergency Management Act.*

*In (15), is the “Assistant Director” different from the “Deputy Director” as is found in G.S. 166A-69? Why is different terminology used? Yes, the Division has been reorganized and the Deputy Director no longer exists and the Assistant Director for operations oversees the program.*

*In (17), what are the “principles” and how do they “guid[e] government agencies”? The NIMS is federal policy document that establishes guidelines for emergency management response in the country.*

*In (17), line 20, “provides” should be singular.*

*In (18), line 25, is it necessary to say “paid or unpaid”?*

*In (18), line 25, what are the parameters of acting as an “agent of” a sponsoring or participating agency? The person engaged in the search and rescue is either an employee, volunteer of the agency.*

*In (18), line 26, I believe you need to add “of” between “or” and “the”.*

*Also, ensure the correct abbreviations are used for the Division and Program, and the Sponsoring Agency and Participating Agency are used as they are defined in this Rule.*

*In (20), who makes the determination whether someone caused an event?*

*In (20), the sentence ends without an object. “The entity whose actions... caused an event requiring search and rescue resources” ... to do what?*

*Also, rewrite “search and rescue system resources” to be more specific. Presumably, the Department is referencing both the “North Carolina Search and Rescue Program” and “System Resources” which are defined in this Rule and should be used as such.*

*In (21), does Chapter 132 (Public Records Act) come into play here? Yes. Any document created in done so in transaction of state business.*

*In (21), line 32, it is not necessary to state “but not limited to” after using “include” or “including”.*

*In (21), line 33, insert a comma after “recordings” and consider “obtained” rather than “gained” to more accurately reflect receipt of the information.*

*Also, in (21), line 33, is “search and rescue operation” defined? Deleted.*

*In (21), line 34, the “authority having jurisdiction” was previously abbreviated. Please use the abbreviation.*

*In (22), line 35, again you’re using the term being defined—“**specialty** rescue team”—in the definition. Please revise.*

*In (22), line 35, I believe “provided” should be “provide”.*

*In (23), lines 1-2, what is an “active response agreement”? Struck through.*

*In (23) and in (24), ensure proper reference to the Search and Rescue System as abbreviated in (12).*

*In (24), lines 5-6, what is “North Carolina Emergency Management”? It is the Division of Emergency Management.*

*In (24), what kind of “assistance” does the Department mean? System Resources?*

*In (25), what type of “document” does the Department mean? Is there anything specifically required to satisfy it as a “document”? The document is the comprehensive plan and procedures for planning, preparing, responding, mitigating and preventing emergencies and disasters in the state. There is nothing that requires this document.*

*In (25), line 7, I think there is a verb missing between “document” and “under”. Please revise.*

*In (25), line 9, what is “an established[,] comprehensive, all-hazards approach”? Is this an All-hazards Disaster Response Model as used in (1)?*

*In (26), ensure proper reference to (12) and (14).*

*In (27), lines 12 and 14, again you’re using the term defined—“personnel”—in the definition for System Personnel.*

*In (28), similarly to (23), what is an “active response agreement”? Deleted*

*Also, in (28), ensure proper reference to (14).*

*In History Note: Authority, consider adding G.S. 166A-67 for contracting authority and G.S. 166A-69 for the Search and Rescue Team Advisory Committee.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Department of Public Safety

RULE CITATION: 14B NCAC 03 .0403

**DEADLINE FOR RECEIPT: Friday, January 13, 2023.**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Pursuant to 14B NCAC 03 .0402 and above requests, all references to "NC SAR" should be "NC SAR Program".*

*All references to "NCEM" or "NC Emergency Management" should be double checked to make sure they comply with any changes made to 14B NCAC 03 .0402.*

*In all instances of "System resources" or "qualified resources", use the full, capitalized construction "System Resources", unless another construction of the phrase is being used outside the defined term in 14B NCAC 03 .0402(25).*

*In (a), line 5, "all-hazards response model" should be capitalized, assuming it is the same term used in 14B NCAC 03 .0402(1).*

*In (a), lines 5-6, I do not understand the meaning of the sentence "System resources... missing person incidents." Please rephrase for clarity.*

*While I generally have no objections to relieving human suffering or protecting life, property, or the environment, it appears to me that the language of (a), lines 6-8 goes beyond the statutory boundaries of what a search and rescue team is intended to do. 166A-65(2a) defines a search and rescue team as one that "assist[s] in the removal of trapped victims during emergencies[.]" Is there statutory authority for search and rescue teams organized under Ch. 166A to go beyond this mission? Deleted*

*Additionally, in (a), line 8, the rule refers to an "actual or potential threat". How is this defined, and who determines what is and is not an actual or potential threat? Deleted.*

*I think the language of (b) is unclear. As I understand it, the NC SAR System is comprised of teams that may be under local control (i.e. a local fire department). Are you saying in (b) that if NCEM deploys a local resource, NCEM controls that resource*

Brian Liebman  
Commission Counsel

Date submitted to agency: 1/5/23



*to the exclusion of the local government? I think this paragraph should be revised for clarity. Yes. If NCEM deploys the local resource they are under the NCEM banner. Does (c) conflict with (b)? The idea that a local resource may deploy under its own authority, and that participation in the NC SAR System does not limit or supersede that local authority seems to be at odds with the idea that NCEM will “maintain direction and control” of a resource that it deploys. I suggest revising to clarify when NCEM has control and when the local authority has control. Done.*

*In (d), line 13, who at “the State” is deploying System Resources? Please revise.*

*In (d)(1), line 16, what are “qualified resources”?*

*In (d)(1), line 18, what is a “team”? Is a “team” a “resource” or “System Resource”?*

*In (d)(1), line 21, what does “activating system resources” mean? If this is akin to deployment, I thought the AHJ made that decision under this model. Please clarify.*

*In (d)(2), line 23, remove the (s) in “barrier(s)” and choose either the singular or plural.*

*In (d)(2), line 24, what is “local . . . coordinated mutual aid”?*

*For both (d)(1) and (2), who chooses between these methods? Further, are there guidelines for choosing one over the other? It is unclear what the triggering event for each is. Only subparagraph (2) partly identifies a triggering event – “State of Emergency”.*

*In (e), line 28, where is the statutory authority for the LEMC to delegate his or her authority? It looks like the LEMC position is created by statute in G.S. 166A-19.15(b), and I don’t see where that provision allows the LEMC to delegate authority. Not saying it isn’t there, but I don’t see it. Please specify. Deleted.*

*In (e), line 30, use AHJ for “authority having jurisdiction.”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Department of Public Safety

RULE CITATION: 14B NCAC 03 .0404

**DEADLINE FOR RECEIPT: Friday, January 13, 2023.**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*All references to "NCEM" should be double checked to make sure they comply with any changes made to 14B NCAC 03 .0402.*

*In all instances of "system resources" or "resources", use the full, capitalized construction "System Resources", unless another construction of the phrase is being used outside the defined term in 14B NCAC 03 .0402(25).*

*While the title refers to a "Contract Response Team" the first line of the rule broadens to "all search and rescue resources." Please clarify this apparent contradiction.*

*In (1), line 5-6, please state with specificity which FEMA ICS and NIMS standards you are incorporating by reference. Please note that G.S. 150B-21.6 requires you to state where these resources can be obtained and at what cost. Please revise.*

*On line 5, what is "NIMS"? Unless you've included it in the definitions rule, the full name of the organization should be stated when used the first time.*

*I am confused by (2). This seems to contradict earlier statements in Rule .0403 that local authorities may deploy under their own authority and that participation in the NC SAR System does not supersede that authority. Please clarify and revise the rule.*

*In (2), line 7, what "personnel" must a resource follow? For instance, would the NCEM spokesman be able to direct the activities of a search and rescue team? Please revise for clarity.*

*In (3), line 8, "actives" should be "activitiesD".*

*What are you requiring in (5)? Does state and federal law not apply to a search and rescue team otherwise? Please consider removing or at the very least specifying what specific state and federal laws a team must follow.E*

Brian Liebman  
Commission Counsel  
Date submitted to agency: 1/5/23

*In your History Note, please remove the reference to the National Incident Management System, 3<sup>rd</sup> Edition, as I do not believe it confers authority on the Department So.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Agency is withdrawing this rule.

Brian Liebman  
Commission Counsel  
Date submitted to agency: 1/5/23

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Department of Public Safety

RULE CITATION: 14B NCAC 03 .0405

**DEADLINE FOR RECEIPT: Friday, January 13, 2023.**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*All references to "NCEM" should be double checked to make sure they comply with any changes made to 14B NCAC 03 .0402.*

*In all instances of "system resources", "resources", "state mission", and "system personnel", use the full, capitalized construction, unless another construction of the phrase is being used outside the defined term in 14B NCAC 03 .0402(25).*

*Throughout, the Rule requires "system resources" to maintain records and take other actions, yet that term as defined in Rule .0402 refers to "personnel"—which makes sense—and "equipment"—which does not. Please specify who must maintain take action pursuant to this Rule.*

*In (a), line 5, the rule states that the personnel records shall "include" the items in the following list. Beyond the 4 items in the list, what else is required?*

*In the list from (a)(1)-(4), the first letter of each item should be in lowercase.*

*In (b), what is "an on-duty status as an emergency management worker"? The referenced statute, G.S. 166A-19.60, defines "emergency management worker", but does not address "on-duty." Please clarify and revise. Done*

*Also in (b), it is not necessary to incorporate the statute by reference. Merely referring to it is sufficient.*

*In (d), line 14, what does it mean to "maintain all team training"?*

*In (g), line 17, what "documentation" is required? Receipts and expenditure reports.*

*In (g), line 18, I believe you need "the" between "with" and "FEMA"*

*In (g), lines 18-19, where can this Guide be found and at what cost?*

Brian Liebman  
Commission Counsel

Date submitted to agency: 1/5/23

*In (g), line 20, what are the factors or criteria for determination of whether an extension may be granted? This is ambiguous and does not inform the regulated public of how determinations can be made. Moreover, G.S. 150B-19(6) requires that when an agency waives or modifies a requirement set in a rule, it must establish specific guidelines for doing so. Removed.*

*In your History Note, do either 42 U.S.C. 5121 et seq. or 44 CFR Part 206 confer authority for rulemaking?*

*With respect to 42 USC 5121, if it is appropriate for inclusion, please remove the “et seq” and specify which statutes you are referring to. Similarly, what portions of Part 206 of Title 44 of the CFR are you referring to?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Department of Public Safety

RULE CITATION: 14B NCAC 03 .0406

**DEADLINE FOR RECEIPT: Friday, January 13, 2023.**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Why is this Rule organized as a list? Would it not make more sense to make the first paragraph (a), and make (1) and (2) into (b) and (c)?*

*All references to "NCEM" should be double checked to make sure they comply with any changes made to 14B NCAC 03 .0402.*

*In line 5, wouldn't a "negligent" disaster also be a "manmade" disaster? Do you mean "negligent or intentional"?*

*Similarly to 14B NCAC 03 .0402, what is the extent to which the Department makes determinations of fault or liability in considering a "responsible party"? What is the authority for such a determination? In the case of persons disputing such a determination and reimbursement, what are the avenues for adjudication? Yes, added the provisions of civil liability for persons ignoring an warning regarding personal safety in GS 166A-19.72.*

*Both (1) and (2) are written in the passive tense. Please consider revising in the active tense. I.e. who shall bill a responsible party for costs, and who shall payment be remitted to?*

*In (1), line 7, please delete or define "reasonable costs". While I understand this is a statutory term, a Rule cannot be ambiguous or unclear even if it is repeating a statutory term.*

*In (1), line 9, I believe the reference should be to G.S. 166A.*

*In (1), there's no need to incorporate the statute by reference. Simply referring to it is sufficient.*

*In lines 11 and 12, what is the effect of "of eligible costs"? I think this is just kind of misplaced in the sentence – suggest revision.*

Brian Liebman  
Commission Counsel

Date submitted to agency: 1/5/23

*In (2), line 12, is the invoice to go out via Certified Mail, or the payment? Revised.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman  
Commission Counsel  
Date submitted to agency: 1/5/23

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Department of Public Safety

RULE CITATION: 14B NCAC 03 .0407

**DEADLINE FOR RECEIPT: Friday, January 13, 2023.**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*All references to "NCEM" and "NC SAR System" should be double checked to make sure they comply with any changes made to 14B NCAC 03 .0402. Also, ensure the abbreviations are used.*

*In all instances of "system resources", "resources", "state mission", "specialty rescue team", and "system personnel", use the full, capitalized construction, unless another construction of the phrase is being used outside the defined term in 14B NCAC 03 .0402(25).*

*Throughout each list in this Rule, please make the first word of each Item lowercase.*

*In (a)(1), line 6, change "must" to "shall."*

*I'm not sure, but in (A), line 7, I believe "state recognized" should be hyphenated. Please check and revise if necessary.*

*In (C), what are "members"? This has not been used before. Is this similar to "personnel"?*

*In (C), lines 11-12, as well as in (a)(2) lines 14-15, and (b)(2) lines 21-23, you do not need to incorporate Rule 409. Just referencing it is fine. Please delete.*

*In (b), line 19, change "must" to "shall".*

*Also, in (b)(1), line 19, what is a "memorandum of agreement"? Is this a contract? Yes and we simplified it.*

*In (b)(2), who is responsible for ensuring that members possess qualifications?  
Answered*



*In (c), line 24, when does the “within 18 months of a new contract period” begin? The first day of the contractual performance? Yes.*

*In (c), line 26, how is the “specified date” determined for interested parties? Is there a rule specifying a “specific date” shall be included for interested parties when distributing the bid announcement? This also applies to (c)(2).*

*In (c), line 27, change “must” to “shall”.*

*In (c)(4), line 33, what are the “agreed upon criteria”? How is this established or what statute or rule is this determination made pursuant to? Who agrees upon this criteria? What informs the regulated public of this review process? Updated.*

*In (c)(4), line 34, can the designee set the date referenced as well as the NCEM Director? The designee can establish the committee, but not the date they meet? Fixed.*

*In (c)(6), line 1, how will the successful bidders be notified? Via e-mail.*

*In (c)(6), line 1, who shall draft the agreements? NCEM*

*Additionally, in (c)(6), lines 1-2, avoid a comma splice and rewrite the subparagraph as “... notified and system agreements shall be drafted and executed...”*

*Further, what are “system agreements”?*

*In (c)(7), line 3, what “two agreements” shall be drafted, executed, and maintained?*

*In (c)(7), line 3, the rule states the agreement has to be with the “sponsoring agency”. I thought these agreements were between the NCEM and the contract response team. Please clarify. The sponsoring agency is the lead agency for a contract response team if they are multi agency teams.*

*In (c)(7)(A), lines 5-6, the rule states that the agreement is with the “sponsoring agency”, but then states that the agreement will outline the terms that the “resource” must follow. Aren’t these two different entities? How can the sponsoring agency make an agreement to bind the resource?*

*In (c)(7)(A), line 6, what “conditions and activities” shall be included in the cooperative agreement? What are the requirements for this agreement? Updated the term to scope of work and clarified.*

*In (c)(7)(A), line 6, change “must” to “shall”.*

*In (c)(7)(A), line 9, is the “contract period” referenced the contract between NCEM and the contract response team? Or is it the period of the two agreements mentioned in line 3? Please clarify. Clarified.*

*In (c)(7)(B), what are “program costs”?* Program costs are the costs of equipment and personnel.

*In (c)(7)(B), line 11, the funds are to be “utilized by the sponsoring and/or participating agencies” for what purpose? Please specify in the rule, or reorganize the paragraph for clarity.*

*Also, remove “and/or” and use either “and” or “or”.*

*In (c)(7)(C), line 14, how is “search and rescue capability” defined? You’re telling your regulated public they can only use the money for one purpose but don’t define that purpose. Please revise.*

*In (c)(7)(D), line 15, change “any” to “each”.*

*In (c)(7)(D), lines 17-18, the sentence “NCEM... agencies” is permissive and the language doesn’t meet the definition of a Rule. Please consider deleting.*

*In (c)(7)(D), line 19, the line “...as long as they have an active agreement” is unclear. Who has an active agreement, and for what? Please revise.*

*In (c)(7)(E), the paragraph is vague. With whom should the resource maintain an agreement? What are “response activities”?* Please revise with specifics.

*In (d), line 22, to what does “additional” refer?*

*Where are the “established program areas” established? (d)(1)(A) through (D) states some of them, but where are they actually “established”?* Established by rule.

*In (d) and (d)(1), the Rule refers to “certain established program areas” and then names 4 program areas in (d)(1), but prefaces the list with “includes”. As “includes” indicates that there may be other program areas, please specify what program areas are involved here.*

*In (d)(2), line 29, what is “program support”?* Removed

*In (d)(2), line 29, what are “program standards” and how are they developed?* Removed

*In (d)(2), line 30, what is “specialized training”?* Defined

*In (d)(2) line 30, what is “specialized equipment”?* Defined

*In (d)(2), lines 31-32, how can participation be terminated at will? Isn’t participation pursuant to a response agreement, per (d)(3)? Does this provision render response agreements unenforceable? Please clarify.* Done

*In (d)(3), what is a “qualified resource”?* Done

*In (d)(4), line 36, change “must” to “shall”.*

*Also on line 36, what is a “self-supported resource”?*

*In (d)(5), line 1, change “any” to “each”.*

*In (d)(5), line 2, I thought a specialty rescue team was supposed to be “self-supported”? How can it be self-supported but have agreements with other agencies for support? Please clarify and revise. Self supported when they deploy, but can be made up of several agencies to make a single team.*

*Also, are there any requirements on the “agreements” with specialty rescue teams? Updated.*

*Additionally, the final sentence of (d)(5) the sentence “NCEM... agencies” is permissive and the language doesn’t meet the definition of a Rule. Please consider deleting. Done*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Department of Public Safety

RULE CITATION: 14B NCAC 03 .0408

**DEADLINE FOR RECEIPT: Friday, January 13, 2023.**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*All references to "NCEM" and "NC SAR System" should be double checked to make sure they comply with any changes made to 14B NCAC 03 .0402. Also, ensure the abbreviations are used.*

*In all instances of "system resources", "resources", "state mission", "specialty rescue team", and "system personnel", use the full, capitalized construction, unless another construction of the phrase is being used outside the defined term in 14B NCAC 03 .0402(25).*

*In this Rule, (a) references "bidding entities", while 14B NCAC 03 .0407 references "bidding agencies", then (d)(2) uses "bidding agency" What is the difference?*

*Also, in (a)(1), how are "bidding entities... submitted"? Please revise.*

*In (a), line 4, and (a)(2), line 10, change "must" to "shall".*

*In (a), line 8, what does "not being impacted locally" mean? Please revise.*

*In (a)(2) and (a)(3), include "the" before "bidding entity". In (a)(3), also include "the" or (a) before "required number".*

*In (a)(3), lines 14-15, you do not need to incorporate Rule 409. Just referencing it is fine. Please delete.*

*In (b), line 17, delete "below" and revise.*

*In (b), line 17, what does "consistent with" the CFR mean? Please clarify. Updated*

*In (b), what criteria found within 2 CFR Part 200 shall be used in the evaluation? Please specify. This is the Uniform Administrative Requirements for Grants and*

Agreements. I simplified the language for federal dollars as this would govern from procurement to close out of the grant.

*Further, what occurs in the event 2 CFR Part 200 either contradicts 14B NCAC 03 .0408's criteria or is otherwise not consistent?*

*Also, do these factors in (b) appear in 2 CFR Part 200?*

*In (b)(2), what is a "negative impact"? Please define. Deleted*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Department of Public Safety

RULE CITATION: 14B NCAC 03 .0409

**DEADLINE FOR RECEIPT: Friday, January 13, 2023.**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*All references to "NCEM" and "NC SAR System" should be double checked to make sure they comply with any changes made to 14B NCAC 03 .0402. Also, ensure the abbreviations are used.*

*In all instances of "system resources", "resources", "state mission", "specialty rescue team", and "system personnel", use the full, capitalized construction, unless another construction of the phrase is being used outside the defined term in 14B NCAC 03 .0402(25).*

*Throughout the Rule, you require a certain number of personnel, then go on to specify additional numbers of personnel who shall fulfill a particular role. For instance, in (e), you require a roster of 32 personnel, but then in (e)(1)(A)-(C), require that the team "additionally maintain" eight members who completed the Swiftwater Flood Rescue Boat Operator Course, two members who completed team leader courses, and two members who completed communications specialist courses. Does this mean those 12 members specified in (A)-(C) are meant to be part of the 32 referenced in (e)(1), or do they bring the total to 44? Please revise for clarity.*

*In (a)(2), the second sentence jumps between singular and plural usages. Use "he or she" and "an agent", rather than "they" and "agents", respectively.*

*In (a)(2), lines 8-9, is it within the authority delegated to the agency by the General Assembly to determine whether personnel is or is not an agent of the State as a matter of law? Yes. See GS 166A-19.60(e) Definition of Emergency Management Worker. - As used in this section, the term "emergency management worker" shall include any full or part-time paid, volunteer, or auxiliary employee of this State or other states, territories, possessions, or the District of Columbia, of the federal government or any neighboring country or of any political subdivision thereof, or of any agency or organization performing emergency management services at any place in this State, subject to the order or control of or pursuant to a request of the State government or any political subdivision thereof. The term "emergency management*

Brian Liebman

Commission Counsel

Date submitted to agency: 1/5/23

worker" under this section shall also include any health care worker performing health care services as a member of a hospital-based or county-based State Medical Assistance Team designated by the North Carolina Office of Emergency Medical Services and any person performing emergency health care services under G.S. 90-12.2.

*In (a)(4), it is unnecessary to incorporate the statute by reference. Merely referring to the statute is sufficient.*

*Restructure (a)(4) to clarify what you're referencing with the citation to G.S. 166A-19.60. As it currently reads, the citation to the statute suggests "program activity" is defined in the statute, while "emergency management worker" is defined instead. Consider "while participating in any program activity, personnel shall be considered emergency management workers as defined..."*

*In Item (a)(5)(B), 12 NCAC 09B .0111(1) is an incorrect reference. The Criminal Justice Education and Training Standards Commission recently revised several of their rules, so please revisit and correct the reference.*

*In (a)(5)(B), line 19, add a comma following "misdemeanor". Also, remove the period after "150B-21.6" and insert a comma.*

*In (a)(5)(B), lines 21-22, what is the period of time you're attempting to outline here? It says no misdemeanors for "five years or the completion of any corrections supervision imposed by the courts, whichever is later." I don't understand what this means. Please revise and clarify.*

*In (a)(5)(D), lines 28-29, I'm not sure what the reference "for the purpose of participating in the search and rescue system" (incidentally, should this be "NC SAR"?) means. Are you saying that being untruthful in some contexts is OK?*

*In (a)(5)(E), line 30, add a comma after "convicted."*

*In (a)(5)(E), line 31, capitalize "rule."*

*In (a)(5)(F), line 32, what kind of conduct are you referring to? This is very broad and impermissibly vague. Please revise and state with specificity what conduct is unsuitable for a NC SAR member.*

*In (a)(5)(F), line 33, where is "moral turpitude" defined? Without a definition, this is impermissibly vague.*

*In both (a)(6)(A) and (B), include a comma after "qualifying event".*

*In (a)(6)(A), where can the Manual be accessed? Can it be accessed for free? Also, in (B), it is unnecessary to incorporate the Manual again.*

*In (a)(6)(B), line 5, does the agency mean "convicted" when stating "found guilty"?*

*In (a)(6)(C), line 9, change “they” to “he or she has”.*

*In (a)(6)(C), line 10, what is meant by “against the individual”?*

*In (a)(6)(D), capitalize “sponsoring agency” and use the abbreviation “NCEM”.*

*Also, replace “person’s” with “system personnel’s”.*

*In (a)(6)(D), lines 13-14, the agency shall notify the Division of “arrests or criminal charges and final dispositions” of whom?*

*In (a)(6)(E), remove all parentheticals and replace them with “pursuant to” each statute.*

*In (b)(1), line 20, who shall equipment “be made available for inspection and inventory”? By whom?*

*What does (b)(2) mean? What “requirement” is referenced? Please revise.*

*In (b)(3), line 23, I think you mean “manufacturer’s recommendations”.*

*Also, what do you mean by “damage to state property”? Do you mean the state-owned and issued equipment?*

*In (b)(4), place a comma after “upon separation”.*

*In (b)(4), to whom or where must the property be returned?*

*In (c), (e), and (f), where are the “Type I” and “Type II” teams outlined or created?*

*Also, the NC USAR course should be stated in its entirety when first used.*

*And what is the federal “Equivalent Course”. A course that has the same or similar curriculum*

*In (c)(3), insert an “a” before “qualified”, or make “specialist” plural.*

*Also, what is a “typed urban search and rescue team”?*

*At the end of (d), (e), and (f), place a colon.*

*In (d)(1), line 1, what does “functionally equivalent” mean? Please define. When a practice, method, technique, procedure, design, material, or component performs the same function and provides the same or improved utility as is being required through the rule.*

*In (d)(1), lines 2-3, where is the Cache List found, and at what cost? Updated.*



*In (d)(2), line 6, define “state of readiness”. Updated.*

*In (e)(1), state the full name of “NFPA”, unless stated previously. Further, please state where these materials can be found and at what cost.*

*In the subparagraphs (e)(1) through (3), how is “training that meets or exceeds training requirements” met? It is done by the NC SAR Team Advisory Committee.*

*In (e)(2) and (3), it is not necessary to reincorporate the NFPA chapters, just a reference will suffice.*

*In (f)(1)(C), (2)(C), and (3)(C), do you mean one portable computer? Also, what is a “minimum” of cellular internet access?*

*In (f)(1)(D) (2)(D), and (3)(D), define or delete “suitable”.*

*In (f)(1)(E), and (2)(E), “spotlight” should be plural.*

*In (f)(1)(F), (2)(F), and (3)(E), do you mean a map of the whole state, or the region the team is assigned to?*

*Also, in each provision, “hardcopy” should be separate words and made plural.*

*In (f)(1)(H), (2)(H), and (3)(G), insert an Oxford comma after “sledgehammer”.*

*In (f)(1)(H), (K), and (L), are the “kit[s]” fully described here? If not, what else is required? Yes. It is the full list.*

*In (f)(1)(J), (2)(J), and (3)(I) are the boats and motors separate requirements? It would seem as though the agency is trying to require 4 boats and 6 motors, but a reading of the text “with not less than six outboard motors” could be interpreted as each boat must have six motors.*

*In (f)(1)(L), (2)(L), and (3)(K), remove the first comma and add a comma after “bleach solution,”.*

*In (f)(1)(L), (2)(L), and (3)(K), how many sprayers, buckets, work boxes, and pumps are required?*

*In (f)(1)(L), (2)(L), and (3)(K), what kind of solutions are you requiring? What soap? What concentration of each?*

*In (f)(1)(N), “raft” should be plural.*

*In (f)(1)(O), (2)(O), and (3)(N), please define what a “clamshell kit” is, and revise the “kit per kit” language.*

*In (f)(1)(Q), (2)(Q), and (3)(P), how is the 30-minute setup requirement determined? Is it an objective or subjective standard? Also, "setup" should be two words.D.*

*Also, in (1)(Q), (2)(Q), and (3)(P), separate the shelter system from the sleeping kits, unless the shelter system is required to have 16 sleeping kits internally within it. This is worded poorly and causes ambiguity. Please revise.*

*In (1)(Q), (2)(Q), and (3)(P), "cots" should be singular.*

*Additionally, in (1)(Q), (2)(Q), and (3)(P) remove the "and" at the end of each.*

*In (f)(1)(S), (2)(S), and (3)(R), what are "whip or fill" systems? Also, make "system" plural.*

*In (g)(1), line 36, "Program" should be plural.*

*In (g)(3), add "on" after "training", and "a" after "thanD."*

*In (g)(3), is this training already required elsewhere for certification? If so, is the requirement here more stringent than that required elsewhere? Do you have statutory authority to require more or less training than the entity that otherwise certifies helicopter rescue technicians? NCEM certifies the technicians. Quarterly is required for them to maintain currency.*

*In (h)(1), what does "good working order" mean? Define or delete.*

*In (h)(2), similarly to above, what does "damage" and "unusual wear" mean?*

*In (i)(1), please state the full name of ASTM, and state where the resource can be found and at what cost.*

*In (i) and (k)(2)(C), remove the parenthetical.*

*In (i) and (k)(2)(I), what is in the "set" of rain gear, and, in (i)(2)(L), the "fire starting kit".*

*In (i)(2)(M), the second instance of "measure" should be "measuring".*

*In (i) and (k)(2)(O), what is a ICS 214 form?*

*At the end of (i)(3)(A), insert an "and".*

*In (i)(3)(B), is a "first aid kit" standardized? What should be in it?*

*In (j)(3)(F), "cord" should be plural.*

*In (j)(3)(I), I think "of" is necessary after "each".D*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman  
Commission Counsel  
Date submitted to agency: 1/5/23

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Department of Public Safety

RULE CITATION: 14B NCAC 03 .0410

**DEADLINE FOR RECEIPT: Friday, January 13, 2023.**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*All references to "NCEM", "NCEM Operations Chief", "NC Search and Rescue Program", and "NC SAR System" should be double checked to make sure they comply with any changes made to 14B NCAC 03 .0402. Also, ensure the abbreviations are used, such as "NCEM Director".*

*In all instances of "system resources", "resources", "contract response team", "specialty rescue team", and "system personnel", use the full, capitalized construction, unless another construction of the phrase is being used outside the defined term in 14B NCAC 03 .0402(25).*

*Are (a)(1) and (a)(2) exhaustive lists of the records NCEM will require?*

*The phrasing of (a) or (a)(3) should be revised. How does one make "available for [auditing]... access to functional exercises...?"*

*In (b) and the items under it, the text could use a rewrite for clarity. For instance, (b) is in the passive tense and could be simplified. Similarly, (b)(1) and (2) are more verbose than necessary. Please revise and simplify.*

*In (b)(2), what does it mean to "address" a finding? What are you requiring?*

*In (b)(2), who makes the referral to the disciplinary committee? Revise in the active tense.*

*Also in (b)(2), who gets referred to the disciplinary committee? An individual? The entire team? The team's leader? Please specify. Deleted. No authority.*

*In (b)(3), what is "malicious or willful misconduct"? Please define. Similarly, what is meant by "misrepresentation" or "fraud"? What do these terms mean in context of a search and rescue operation? Deleted. No authority.*

Brian Liebman  
Commission Counsel  
Date submitted to agency: 1/5/23

*In (c), is it within the authority delegated to the agency by the General Assembly to create a disciplinary committee and impose sanctions upon participants in the NC SAR system? G.S. 166A-66(10) gives you the authority to “audit” for the purpose of ensuring compliance with State and federal guidelines, but I don’t see the power to impose sanctions for misconduct.* Deleted. No authority

*Even assuming there is authority to impose sanctions, do you have statutory authority to place the disciplinary committee under the Search and Rescue Technical Advisory Committee? G.S. 166A-69 establishes the Technical Advisory Committee and limits its role to “advis[ing] the Secretary on the establishment” of the SAR program and to “evaluat[ing] and advis[ing] the Secretary of the need for additional contract response teams....” I don’t see where they have the authority to hear and rule on disciplinary matters.*

*In (c)(1)(C), what are you referring to here? What programs? What is a technical advisory group?* Deleted. No authority

*In (c)(2), what is “misconduct” beyond “breach of program requirements”? These are listed as two distinct areas for review. Please define.* Deleted. No authority

*In (c)(2), is it within the authority delegated to the agency by the General Assembly to prevent parties from being represented by counsel at a disciplinary hearing?* Deleted. No authority

*In (c)(2)(B), please revise for clarity. Facts cannot be in violation of the Rules.*

*In (c)(2)(B), does “the rules of the NC Search and Rescue Program” mean these Rules? If so, please say so.*

*In (c)(2)(C), is “dismission” necessary? I know it is a word, but it seems like “dismissal” is more easily understood by the regulated public and has the same meaning.*

*In (c)(2)(C), does the Director have the authority to dismiss an individual from a team that is not under his or her jurisdiction? i.e. a contract team, or one under the jurisdiction of a local authority.* Deleted. No authority

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

1 14B NCAC 03 .0401 is adopted as published in 37:04 NCR 320 as follows:  
2

3 **SECTION .0400 – NORTH CAROLINA SEARCH AND RESCUE PROGRAM**  
4

5 **14B NCAC 03 .0401 PURPOSE**

6 (a) The purpose of this section is to prescribe requirements pertaining to the North Carolina Department of Public  
7 Safety-Safety's Division of Emergency Management administered North Carolina Search and Rescue Program.

8 (b) This section applies to Sponsoring Agencies and other participants in the North Carolina Search and Rescue  
9 Program that have executed agreements all persons or entities of the North Carolina Search and Rescue Program made  
10 parties pursuant to G.S. 166A-66(a)(9).

11  
12 *History Note: Authority G.S. 166A-66;*  
13 *Eff. ~~January~~ April 1, 2023.*  
14

1 14B NCAC 03 .0402 is adopted as published in 37:04 NCR 320-321 as follows:

2  
3 **14B NCAC 03 .0402 ABBREVIATIONS AND DEFINITIONS**

4 As used in this **Section** the following abbreviations and terms mean:

5 **(1) “Activation” means the status of a System Resource placed at the direction, control, and funding of**  
6 **NCEM as part of the NC SAR Program.**

7 ~~(1) (2) All hazards Disaster Response Model –~~ **“All-hazards Disaster Response Model” means** a response  
8 methodology where ~~resources~~ **system resources** provide all applicable capability to respond to any  
9 ~~threats~~ **threat** or hazard that is impacting the state or ~~has the potential is forecasted to~~ impact the  
10 state **State.**

11 ~~(2) (3) Authority Having Jurisdiction (AHJ)–~~ **“Authority Having Jurisdiction” (AHJ) means** those local,  
12 state, or federal entities having ~~response authority~~ **a duty** to act over a specific aspect of search and  
13 rescue in a specific geographic area.

14 ~~(3) (4) Contract Response Team – A~~ **“Contract Response Team” means** a regional all-hazards disaster  
15 response contract response team as defined in G.S. 166A-65 ~~which is adopted and incorporated by~~  
16 ~~reference with subsequent changes or amendments pursuant to G.S. 150B-21.6~~ with self-sustaining  
17 logistical support allowing for responses into disaster areas.

18 ~~(4) (5) County to County Mutual Aid–~~ **“County to County Mutual Aid” means public safety resource**  
19 **Resourcee** sharing between local governments under the conditions of the **NC Statewide Mutual Aid**  
20 **Agreement** or another similar agreement between local governments.

21 ~~(5) (6) Federal Emergency Management Agency (FEMA)–~~ **“Federal Emergency Management Agency”**  
22 **(FEMA) means** is an agency of the United States Department of Homeland Security with the  
23 responsibility to coordinate the **federal** response to a ~~Presidentially-declared disasters that has~~  
24 occurred in the United States States. ~~and that overwhelms the resources of local and state authorities.~~

25 ~~(6) (7) FEMA Public Assistance Program – is~~ **“FEMA Public Assistance Program” means** a federal  
26 reimbursement grant program that provides federal funding to help communities respond to and  
27 recover from disasters.

28 **(8) “Functionally equivalent” means an item or group of items that can be used in the same basic manner**  
29 **as another item or items to perform a task to the same standard.**

30 ~~(7) (9) Incident Command System (ICS) – A~~ **“Incident Command System” (ICS) means** a standardized on-  
31 scene emergency management construct specifically designed to provide an integrated  
32 organizational structure that reflects the complexity and demands of single or multiple incidents,  
33 without being hindered by jurisdictional boundaries. ~~The Incident Command System is the~~  
34 ~~combination of facilities, equipment, personnel, procedures, and communications operating within~~  
35 ~~a common organizational structure, designed to aid in the management of resources during incidents.~~  
36 **ICS is used for all kinds of emergencies and is applicable to small as well as large and complex**

1 ~~incidents. ICS is used by various jurisdictions and functional agencies, both public and private, to~~  
2 ~~organize field level incident management operations.~~

3 ~~(8) Incident Support Team (IST) — A group of search and rescue experts who assist local and state~~  
4 ~~emergency management in management and support of deployed search and rescue system~~  
5 ~~resources.~~

6 (9) (10) ~~Local Emergency Management Coordinator (LEMC) — The~~ “Local Emergency Management  
7 ~~Coordinator” (LEMC) means the~~ County Emergency Management Coordinator ~~as defined in G.S.~~  
8 ~~166A-19.15 who is responsible for all local disaster preparedness, response, and recovery activities~~  
9 ~~in a specific geographic area.~~ ~~county.~~

10 (10) (11) ~~NC All Hazards Incident Management Team (NCAHIMT) — The~~ “NC All-Hazards Incident  
11 ~~Management Team” (NCAHIMT) mean the~~ North Carolina ~~Division of~~ Emergency Management’s  
12 ~~program responsible for supporting local and state incident management requirements in local and~~  
13 ~~state~~ ~~during~~ disaster response activities.

14 (11) ~~NC Resource Typing – A document defining and categorizing, by capability, the resources~~  
15 ~~requested, deployed, and used in incidents. Resource typing definitions establish a common~~  
16 ~~language and defines define a resource's minimum capabilities for equipment, teams, and units.~~

17 (12) ~~North Carolina Search and Rescue System (NC SAR System) — The~~ “North Carolina Search and  
18 ~~Rescue System” (NC SAR System) means the~~ NC Search and Rescue Program ~~state search and~~  
19 ~~rescue program~~ established in Article 6 of Chapter 166A of the North Carolina General Statutes.

20 (13) ~~North Carolina Search and Rescue Technical Team Advisory Committee (NC SAR TAC) — An~~  
21 ~~“North Carolina Search and Rescue Technical Team Advisory Committee” (NC SAR TAC) means~~  
22 ~~an~~ advisory committee established in Article 6 of Chapter 166A of the North Carolina General  
23 ~~Statutes to advise the Secretary of the North Carolina Department of Public Safety and the North~~  
24 ~~Carolina Division of Emergency Management on the establishment of a search and rescue system~~  
25 ~~the North Carolina Search and Rescue Program.~~

26 (14) ~~North Carolina Emergency Management (NCEM) — A~~ “North Carolina Division of Emergency  
27 ~~Management” (NCEM) means a~~ division of the North Carolina Department of Public Safety  
28 ~~established in G.S. 143B-1000 with the responsibility to coordinate the mitigation, planning,~~  
29 ~~preparedness, response, and recovery to a disaster or emergency that has or could occur in the State.~~

30 (15) ~~North Carolina Emergency Management Operations Chief (NCEM OSC) — The~~ “North Carolina  
31 ~~Emergency Management Operations Chief” (NCEM OSC) means the~~ Assistant Director of  
32 ~~Operations for the North Carolina Division of Emergency Management.~~

33 (16) ~~North Carolina Emergency Management Director (NCEM Director) — The~~ “North Carolina  
34 ~~Emergency Management Director” (NCEM Director) means the~~ Director of the North Carolina  
35 ~~Division of Emergency Management.~~

36 (17) ~~National Incident Management System (NIMS) — A set of principles~~ “National Incident  
37 ~~Management System” (NIMS) means a federal policy that provides~~ ~~provide~~ a systematic, proactive



1 approach guiding government agencies at all levels, nongovernmental organizations, and the private  
2 sector to work to prevent, protect against, respond to, recover from, and mitigate the effects of  
3 incidents, regardless of cause, size, location, or complexity, to reduce the loss of life or property and  
4 harm to the environment.

5 (18) On-duty – When a person is acting ~~functioning, paid or unpaid,~~ as an agent of their ~~sponsoring or~~  
6 ~~participating agency~~ Sponsoring or Participating Agency or of the NC Division of Emergency  
7 Management as part of the NC Search and Rescue Program.

8 (19) Participating Agency (PA) – An entity that assists a sponsoring agency with the formation of a  
9 search and rescue team by providing personnel or equipment.

10 (20) “Program costs” means training, equipment, personnel, or administrative expenses incurred by a  
11 Sponsoring or Participating Agency during activities of the NC SAR Program.

12 (21) “Resource Typing” means a document defining and categorizing, by capability, the resources  
13 requested, deployed, and used in incidents.

14 (22) Responsible Party (RP) – The entity whose actions or inactions caused an event as determined by  
15 the authority having jurisdiction requiring search and rescue system resources. System Resources to  
16 respond and incur costs.

17 (23) Sensitive Information – Any information, to include ~~but not limited to~~ audio recordings, images,  
18 and video ~~recordings gained~~ recordings, obtained during a search and rescue operation activation  
19 that has not been released to the public by the authority having jurisdiction AHJ.

20 (24) Specialty Rescue Team – A group of response personnel who ~~provided~~ provide specialized,  
21 technical search and rescue capability as part of the North Carolina Search and Rescue Program that  
22 is not a contract response team as defined in G.S. 166A-65.

23 (25) Sponsoring Agency (SA) – A local or tribal unit of government or other entity with an ~~active~~  
24 ~~response~~ agreement with a local unit of government that organizes and coordinates a search and  
25 rescue team in the North Carolina Search and Rescue System Program. This entity serves as the lead  
26 agency for teams comprised of multiple agencies.

27 (26) State Coordinated Mutual Aid – Assistance in technical support, personnel, or equipment between  
28 the North Carolina Search and Rescue System Program’s resources and local units of government  
29 facilitated and coordinated by the North Carolina Division of Emergency Management.

30 (27) State Emergency Operations Plan (SEOP) – A document maintained under the authority of G.S.  
31 166A-19.12(2) that details how the State of North Carolina will respond to a disaster or emergency  
32 requiring state assistance utilizing an ~~established comprehensive, all-hazards approach~~ All-Hazards  
33 Disaster Response Model.

34 (28) State Mission Assignment (State Mission) – A ~~NCEM North Carolina Division of Emergency~~  
35 ~~Management~~ approved request for assistance to deploy search and rescue system North Carolina  
36 Search and Rescue Program resources at the request of a local unit of government.

1           (29)    System Personnel – Personnel Human resources from a contract or specialty rescue team with an  
2                    active response agreement with the Division of Emergency Management for search and rescue  
3                    response or human resources employed on a full time or part time basis by the Division of  
4                    Emergency Management with a responsibility for search and rescue response.

5           (30)    System Resource – Personnel or equipment from a contract or specialty rescue team that is  
6                    participating in the NC Search and Rescue Program with an active response agreement with the  
7                    North Carolina Division of Emergency Management for search and rescue response.

8  
9    *History Note:*    Authority G.S. 166A-65; 166A-66; 166A-67; 166A-69;  
10                    Eff. ~~January~~ April 1, 2023.

11

1 14B NCAC 03 .0403 is adopted as published in 37:04 NCR 321-322 as follows:

2  
3 **14B NCAC 03 .0403 DISPATCH OF A CONTRACT RESPONSE TEAM TO A SEARCH AND**  
4 **RESCUE TEAM OR SPECIALTY RESCUE TEAM MISSION**

5 ~~(a) NC SAR North Carolina Search and Rescue Program's (NC SAR Program) System Resources shall employ the~~  
6 ~~all hazards response model-All-Hazards Response Model. System resources Resources are not limited to responses~~  
7 ~~to only missing person incidents. System resources Resources may support any incident where system resources~~  
8 ~~may relieve human suffering or protect life, property, or the environment for an actual or potential forecasted threat.~~

9 ~~(b) NC Emergency Management The North Carolina Division of Emergency Management (NCEM) shall maintain~~  
10 ~~direction and control of any deployed NC SAR System resources System Resources that have been deployed~~  
11 ~~through action of NCEM, NCEM until a time that they have been demobilized or the System Resource is needed by~~  
12 ~~the Sponsoring Agency.~~

13 ~~(c) Any resource of the NC SAR System Program remains a local resource when not deployed by NCEM first and~~  
14 ~~may deploy under their local authorities or agreements notwithstanding any action by the State. Participation in the~~  
15 ~~NC SAR System Program shall not limit or supersede their local authorities, responsibilities, or agreements when~~  
16 ~~the System Resource is deploying under those authorities or agreements.~~

17 ~~(d) NC SAR System resources shall be deployed by the State NCEM using one of the following methods:~~

18 ~~(1) State Coordinated Mutual Aid The primary goal of State Coordinated Mutual Aid is to facilitate~~  
19 ~~mutual aid through polling NC SAR System resources, Resources, either in part or in whole, at the~~  
20 ~~discretion of NCEM officials to seek available qualified resources in the NC SAR System~~  
21 ~~Program System Resources to fill a local request for mutual aid support. There is no requirement~~  
22 ~~for NCEM to poll all resources, nor any requirement for the local AHJ to take all or some portion~~  
23 ~~of teams the System Resources who are available. Final resource selection as well as direction and~~  
24 ~~control of deployed resources remains with the local AHJ. NCEM officials shall use incident type~~  
25 ~~and urgency, incident and resource location, resource type, resource availability and timeliness to~~  
26 ~~affecting incident outcome, and resource cost as factors in determining what resources to poll~~  
27 ~~when notifying activating system resources. System Resources of a mutual aid request.~~

28 ~~(2) State Mission Assignment State Mission's primary goal is to deploy NC SAR System resources~~  
29 ~~Resources when there is a threat to life, property, or the environment and some barrier(s) barrier to~~  
30 ~~prevent the mission being filled through local or state coordinated mutual aid. In cases of a State~~  
31 ~~of Emergency as defined in G.S. 166A-19.20 or G.S. 166A-19.22, NCEM shall deploy NC SAR~~  
32 ~~System resources Resources through a State Mission Assignment to minimize any delay in~~  
33 ~~initiating or augmenting lifesaving operations.~~

34 ~~(d) The County Local Emergency Management Coordinator (LEMC) or their designee shall have the authority to~~  
35 ~~request system resources. Local law enforcement agencies, fire departments, rescue squads, and any other local~~  
36 ~~authority having jurisdiction AHJ shall route requests for activation of NC SAR System Resources to their LEMC~~  
37 ~~who will make the request for support to NCEM.~~

1  
2  
3  
4

*History Note: Authority G.S. 166A-66;  
Eff. ~~January~~ April 1, 2023.*

1 14B NCAC 03 .0404 is adopted as published in 37:04 NCR 322 as follows:

2

3 **14B NCAC 03 .0404 ON-SITE OPERATIONS OF A CONTRACT RESPONSE TEAM SYSTEM**  
4 **RESOURCES**

5 All search and rescue ~~system resources~~ System Resources shall operate in accordance with the following standards of  
6 response:

7 (1) FEMA ICS and NIMS standards which are adopted and are incorporated by reference with  
8 subsequent changes or amendments pursuant to G.S. 150B-21.6;

9 (2) following all direction from NCEM ~~personnel~~; personnel acting pursuant to G.S. 166A-19.12(1) when  
10 deploying as a System Resource;

11 (3) when responding in support of law enforcement operations, ~~resources~~ System Resources shall  
12 coordinate ~~actives~~ activities with the law enforcement authorities to ensure their actions support any  
13 potential criminal investigation.

14 (4) ~~resources~~ System Resources shall not release any sensitive information to the public or media during  
15 operations without the consent of the local, state, or federal authority having jurisdiction consistent  
16 with the Chapter 132 of the North Carolina General Statutes which is adopted and incorporated by  
17 references with subsequent changes or amendments pursuant to ~~G.S. 150B-21.6;~~ and G.S. 150B-  
18 21.6.

19 ~~(5) state and federal law.~~

20

21 *History Note: Authority G.S. 166A-66, National Incident Management System, 3<sup>rd</sup> Edition;*  
22 *Eff. ~~January~~ April 1, 2023.*

23

1 14B NCAC 03 .0405 is adopted as published in 37:04 NCR 322 as follows:

2  
3 **14B NCAC 03 .0405 STANDARDS FOR ADMINISTRATION OF A CONTRACT RESPONSE TEAM,**  
4 **INCLUDING PROCEDURES FOR REIMBURSEMENT OF RESPONSE COSTS**

5 ~~(a) System resources~~ **Contract Response Teams and Specialty Rescue Teams** shall maintain **the following** ~~all~~  
6 ~~personnel records and have them available for audit: to include:~~

- 7 (1) ~~Responder~~ **responder** ~~medical history;~~  
8 (2) ~~Emergency~~ **emergency** ~~contact information;~~  
9 (3) ~~Current~~ **current** ~~pay and benefit rates, including overtime rates; and~~  
10 (4) ~~Policies~~ **policies** ~~for overtime pay if deploying paid persons.~~

11 ~~(b) System personnel~~ **Personnel** shall be ~~in an on-duty status~~ **in work** as an emergency management worker as defined  
12 ~~in G.S. 166A-19.60(e). G.S. 166A-19.60(e) which is adopted and incorporated by reference with subsequent changes~~  
13 ~~or amendments pursuant to G.S. 150B-21.6 during all training and response activities.~~

14 ~~(c) System resources shall maintain a current team roster.~~

15 ~~(d) System resources shall maintain all team~~ **System Personnel** ~~training, certification, and credentials.~~

16 ~~(e) System resources shall maintain all inventory and maintenance records for deployable equipment.~~

17 ~~(f) Resource records must be available for review by NCEM officials to ensure compliance.~~

18 ~~(g) Within 90 days of demobilization from a state mission, system resources shall submit documentation of actual~~  
19 ~~costs to NCEM for reimbursement consistent with the FEMA Public Assistance Program and Policy Guide which is~~  
20 ~~adopted and incorporated by reference with subsequent changes or amendments pursuant to G.S. 150B-21.6. NCEM~~  
21 ~~may grant extensions beyond the 90 day period at their discretion due to extenuating circumstances such as extended~~  
22 ~~equipment repairs. repairs and replacement.~~

23  
24 *History Note:* Authority G.S. 166A-19.60; 166A-66; 42 U.S.C. 5121 et seq; 44 CFR Part 206;  
25 Eff. ~~January~~ **April** 1, 2023.

1 14B NCAC 03 .0406 is adopted as published in 37:04 NCR 322 as follows:

2

3 **14B NCAC 03 .0406 RECOVERING THE COSTS OF A SEARCH AND RESCUE TEAM OR**  
4 **SPECIALTY RESCUE TEAM MISSION**

5 **(a)** NCEM shall seek reimbursement by the responsible party for system response costs in cases of negligence or  
6 manmade intentional disaster.

7 ~~(1)~~

8 **(b)** NCEM shall bill responsible ~~Responsible parties shall be billed reasonable~~ costs to include personnel and  
9 equipment costs consistent with current protocols established for the recovery of cost of activation of a  
10 response team for a hazardous materials emergency response set out in G.S. 166-27 166A-27 or civil liability  
11 of persons who willfully ignore a warning in an emergency pursuant to G.S. 166A-19.62. which is adopted  
12 and incorporated by reference with subsequent changes or amendments pursuant to G.S. 150B-21.6 of  
13 eligible costs.

14 ~~(2)~~

15 **(c)** Responsible parties shall remit payment to NCEM within 30 days of receipt of invoice. invoice via certified mail.

16

17 *History Note: Authority G.S. 166A-27; 166A-66; 166A-19.62*

18 *Eff. ~~January~~ April 1, 2023.*

19

1 14B NCAC 03 .0407 is adopted as published in 37:04 NCR 322-324 as follows:

2  
3 **14B NCAC 03 .0407 PROCEDURES FOR BIDDING AND CONTRACTING FOR SEARCH AND**  
4 **RESCUE TEAM AND SPECIALTY RESCUE TEAM MISSION**

5 (a) Eligibility for participation as a contract or specialty rescue team:

6 (1) Sponsoring agencies ~~must~~ shall:

7 (A) ~~Be~~ ~~be~~ a local unit of government, ~~state-recognized~~ ~~state-recognized~~ tribal government, or  
8 maintain an active response agreement with a local or tribal unit of government;

9 (B) Maintain maintain participation in the statewide mutual aid agreement; and

10 (C) Ensure ensure all members personnel possess the qualifications as outlined in Rule .0409  
11 of this Section. ~~Section which is adopted and incorporated by reference with subsequent~~  
12 ~~changes or amendments pursuant to G.S. 150B-21.6.~~

13 (2) Participating agencies shall ensure all members personnel possess the qualifications as outlined in  
14 Rule .0409 of this Section. ~~Section which is adopted and incorporated by reference with subsequent~~  
15 ~~changes or amendments pursuant to G.S. 150B-21.6.~~

16 (b) Eligibility for participation on an incident support team.

17 (1) Personnel shall be a participating member of the NC SAR System, NCEM All-Hazards Incident  
18 Management Team Program, or an employee of NC Emergency Management. If not an employee  
19 of NCEM, each member's sponsoring agency ~~must~~ shall have an active memorandum of agreement  
20 that outlines the conditions of their participation on an incident support team.

21 (2) Ensure NCEM shall ensure all members possess the qualifications as outlined in Rule .0409 of this  
22 Section. ~~Section which is adopted and incorporated by reference with subsequent changes or~~  
23 ~~amendments pursuant to G.S. 150B-21.6.~~

24 (c) Contract Response Teams – Within 18 months of the first day of the contractual performance, ~~a new contract~~  
25 ~~period~~, NCEM shall electronically distribute a bid announcement via electronic mail to all system resources and local  
26 emergency management coordinators for interested parties to return a letter of ~~interest~~. ~~interest by a specified date.~~  
27 NCEM shall distribute an electronic bid package to all interested parties that ~~must~~ shall be returned to NCEM. NCEM  
28 ~~by a date specified in the bid package.~~

29 (1) Contract response teams shall be limited to seven regionally based all hazard response taskforces.  
30 Each taskforce will be assigned a primary response region in the state.

31 (2) Bid packages shall be submitted for a specific ~~single~~ response region ~~region~~. ~~as established in the~~  
32 ~~bid announcement.~~

33 (3) The bidding agency and any participating agencies shall be located in that specified response region.

34 (4) A review committee shall be established by the NCEM Director or designee. This committee will  
35 open all completed sealed bid packages and evaluate them based on an agreed upon criteria ~~as~~  
36 ~~outlined in Rule .0408 of this Section~~ at a date set by the NCEM Director ~~Director~~. ~~or designee.~~



- 1           (5)     The committee shall develop a bid package review summary that includes their recommendations  
2                     for selections that will be sent to the NCEM Operations Chief for concurrence before being reviewed  
3                     and approved by the NCEM Director.
- 4           (6)     Agencies who are successful in the bid process will be ~~notified,~~ notified via e-mail. Agreements  
5                     ~~agreements~~ shall be ~~drafted,~~ drafted by NCEM and executed by all parties for the agreed upon  
6                     period.
- 7           (7)     NCEM shall draft, execute, and maintain ~~two agreements~~ an agreement with the sponsoring agency  
8                     for the resource to maintain participation in the program.
- 9                     (A)     NCEM shall execute and maintain a ~~cooperative agreement~~ agreement with the sponsoring  
10                     agency that outlines the ~~conditions and activities~~ scope of work that the resource must team  
11                     shall follow to enable reimbursement of eligible training, equipment, and ~~personnel~~  
12                     administrative costs associated with maintaining a contract response team. The ~~cooperative~~  
13                     ~~agreement~~ agreement shall be limited to the four-year contract period. period with an  
14                     optional one-year extension.
- 15                     (B)     Funds reimbursed through this agreement shall go directly to cover program costs and be  
16                     utilized by the sponsoring ~~and/or~~ and participating agencies. agencies for the purposes of  
17                     this program.
- 18                     (C)     The sponsoring agency shall maintain all records of any program spending and shall not  
19                     comingle funds or use program funding for any other purpose other than ~~maintaining or~~  
20                     ~~building search and rescue capability.~~ for the purposes of this program.
- 21                     (D)     Each sponsoring agency is responsible to draft, execute, and maintain agreements with ~~any~~  
22                     each participating agency that is supporting their bid for a contract response team with  
23                     personnel, equipment, or funding. ~~NCEM may provide a template agreement for use~~  
24                     ~~between sponsoring and participating agencies.~~ The sponsoring agency may include any  
25                     participating agency resources in their bid package. as long as they have an active  
26                     agreement.
- 27                     (E)     Resources shall maintain a response agreement with NCEM that outlines ~~response~~  
28                     activities the activation process and the reimbursement process for costs of state missions.
- 29     (d) Specialty Rescue Teams - NC Emergency Management shall enter into response agreements with ~~additional~~  
30     specialty rescue teams to ensure statewide response capability in ~~certain~~ established program areas.
- 31                     (1)     These program areas shall ~~include:~~ be:
- 32                             (A)     Swiftwater Search and Rescue;
- 33                             (B)     Wilderness / Land Search and Rescue;
- 34                             (C)     Mountain Search and Rescue; and
- 35                             (D)     Helicopter Search and Rescue
- 36                     (2)     NC Emergency Management shall ~~provide program support in establishing program standards,~~  
37                     ~~supporting specialized support training, and providing specialized~~ equipment requirements within

1 the confines of available funding. Participation as a specialty rescue team is considered at will by  
2 either party to the extent that agreements ~~and~~ can be terminated with or without cause by either party  
3 with a 30-day notice.

4 (3) Each ~~qualified resource~~ sponsoring agency shall enter into a response agreement specific to each  
5 established program area with NCEM. The resource will then enter into a memorandum of  
6 understanding with NCEM that shall be referred to as a specialty rescue team response agreement.

7 (4) Specialty rescue teams ~~must~~ shall demonstrate their ability to provide ~~respond~~ as a self-supported  
8 self-sufficient resource team outside their jurisdiction to be eligible to participate in the NC SAR  
9 System.

10 (5) Each sponsoring agency of a specialty rescue team ~~is responsible to~~ shall draft, execute, and  
11 maintain agreements with any each participating agency that is supporting the sponsoring agency  
12 for in maintaining a specialty response team with personnel, equipment, or funding. NCEM ~~may~~  
13 provide a template agreement for use between sponsoring and participating agencies.

14  
15 *History Note:* Authority G.S. 166A-65; 166A-66; 166A-67;  
16 Eff. ~~January~~ April 1, 2023.  
17

1 14B NCAC 03 .0408 is adopted as published in 37:04 NCR 324 as follows:

2  
3 **14B NCAC 03 .0408 CRITERIA FOR EVALUATING BIDS FOR CONTRACT RESPONSE TEAM**

4 (a) Bidding entities ~~agency must~~ shall:

- 5 (1) be submitted via courier, United States Mail, or hand delivered by an authorized representative of a  
6 local unit of government, state recognized tribal government, or ~~maintain~~ corporation that maintains  
7 an active response agreement with a local or tribal unit of government;  
8 (2) provide a plan for the bidding entity to deploy the required number of personnel for a period of up  
9 to 14 days when not required for a local response. ~~being impacted locally.~~ This may be as a single  
10 entity or as a collaboration of multiple agencies in the specified response region. If a collaboration  
11 of multiple agencies, the sponsoring or the bidding agency ~~must~~ shall maintain cooperative  
12 agreements with all supporting agencies. For the purposes of the bid submission, the bidding entity  
13 shall provide a letter of support from all supporting agencies;  
14 (3) provide a plan for the bidding entity to maintain the required number of personnel trained per Rule  
15 .0409 of this Section; ~~Section which is adopted and incorporated by reference with subsequent~~  
16 ~~changes or amendments pursuant to G.S. 150B 21.6; and~~  
17 (4) ensure all participating members possess the qualifications as outlined in Rule .0409 of this Section.

18 (b) Bids shall be evaluated on: ~~using the below criteria and consistent with 2 CFR Part 200 which is adopted and~~  
19 ~~incorporated by reference with subsequent changes or amendments pursuant to G.S. 150B 21.6:~~

- 20 (1) geographic location of team base;  
21 (2) ability to maintain required number of trained personnel to ensure response readiness; ~~readiness~~  
22 ~~without negative impacts to local response obligations;~~  
23 (3) ability to maintain and care for any system provided equipment;  
24 (4) availability of local equipment to support response activities; ~~and~~  
25 (5) availability to maintain dedicated administrative staff to ensure management of administrative  
26 duties, training, and logistical ~~requirements.~~ requirements; ~~and~~  
27 (6) consistent with federal, state and local procurement rules. ~~2 CFR Part 200 which is adopted and~~  
28 ~~incorporated by reference with subsequent changes or amendments pursuant to G.S. 150B 21.6.~~

29  
30 *History Note: Authority G.S. 166A-66; 166A-67;*

31 *Eff. ~~January~~ April 1, 2023.*

1 14B NCAC 03 .0409 is adopted as published in 37:04 NCR 324-329 as follows:

2  
3 **14B NCAC 03 .0409 PERSONNEL, TRAINING, AND EQUIPMENT STANDARDS FOR**  
4 **CONTRACT RESPONSE TEAMS AND SPECIALTY RESCUE TEAMS**

5 (a) Requirements for all system personnel:

- 6 (1) personnel shall be no less than 18 years of age;
- 7 (2) personnel shall be an agent of a sponsoring agency, participating agency, or an employee of the  
8 North Carolina Division of Emergency Management. By participating in this program, ~~they~~ **he or**  
9 **she** remain **an agent** ~~agents~~ of their employer and at no time become an agent of the State unless  
10 they are an employee of the State;
- 11 (3) personnel shall maintain no less than 24 hours of search and rescue training annually;
- 12 (4) while participating in any program activity personnel shall be considered emergency management  
13 workers **workers, as defined in G.S. 166A-19.60.** while participating in any program activity;  
14 activity as defined in G.S. 166A 19.60 which is adopted and incorporated by reference with  
15 subsequent changes or amendments pursuant to G.S. 150B-21.6; and
- 16 (5) personnel shall possess the qualifications of character and general fitness requisite for a public  
17 servant and be of good moral character and entitled to the high regard and confidence of the public  
18 as evidenced by: **by not have committed or been convicted by a local, state, federal, or military court**  
19 **of:**
- 20 (A) not having been convicted of a felony;
- 21 (B) not having been convicted of a misdemeanor as defined in 12 NCAC 09B .0111(1) which  
22 is adopted and incorporated by reference with subsequent changes or amendments pursuant  
23 to G.S. 150B 21.6. for five years or the completion of any corrections supervision imposed  
24 by the courts, whichever is later; **a crime or unlawful act defined as a Class 1A, Class 1, or**  
25 **Class 2 misdemeanor within the five-years prior or four or more crimes or unlawful acts**  
26 **defined as a Class 1A, Class 1, or Class 2 misdemeanor regardless of the date of conviction;**
- 27 (C) not having been convicted of an offense that would prohibit the possession of a firearm or  
28 ammunition, under 18 U.S.C. 922, which is hereby incorporated by reference with  
29 subsequent amendments and editions pursuant to G.S. 150B-21.6 can be found at no cost  
30 [https://www.govinfo.gov/content/pkg/USCODE-2018-title18/pdf/USCODE-2018-title18-](https://www.govinfo.gov/content/pkg/USCODE-2018-title18/pdf/USCODE-2018-title18-partI-chap44.pdf)  
31 [partI-chap44.pdf](https://www.govinfo.gov/content/pkg/USCODE-2018-title18/pdf/USCODE-2018-title18-partI-chap44.pdf);
- 32 (D) being truthful in providing information to the appointing **agency;** ~~agency for the purpose~~  
33 ~~of participating in the search and rescue system;~~
- 34 (E) not having pending or outstanding ~~felony~~ **convicted,** charges that, if ~~convicted~~ **convicted,** would  
35 exclude eligibility under this **Rule.** ~~rule;~~ and
- 36 (F) not having engaged in any conduct that brings into question the truthfulness or credibility  
37 of the individual, or involves "moral turpitude."

1 (6) make the following notifications:

2 (A) within seven days of the qualifying event ~~event~~, notify the Sponsoring Agency in writing  
3 of all criminal or traffic offenses for which the individual is charged or arrested. ~~arrested;~~  
4 ~~This shall include traffic offenses identified in the Class B Misdemeanor Manual which is~~  
5 ~~adopted and incorporated by reference with subsequent changes or amendments pursuant~~  
6 ~~to G.S. 150B 21.6 and offenses of driving under the influence (DUI) or driving while~~  
7 ~~impaired (DWI);~~

8 (B) within seven days of the qualifying event ~~event~~, notify the Sponsoring Agency in writing  
9 of all criminal offenses for which the individual pleads no contest, pleads guilty, or of  
10 which the individual is found guilty. ~~convicted;~~ ~~This shall include traffic offenses identified~~  
11 ~~in the Class B Misdemeanor Manual which is adopted and incorporated by reference with~~  
12 ~~subsequent changes or amendments pursuant to G.S. 150B 21.6 and offenses of driving~~  
13 ~~under the influence (DUI) or driving while impaired (DWI);~~

14 (C) within seven days of service, shall notify the Sponsoring Agency that they have ~~he or she~~  
15 ~~has~~ been served by a judicial ~~official;~~ ~~official against the individual;~~

16 (D) within seven days of the date the case was disposed of in court, the ~~sponsoring agency;~~  
17 ~~Sponsoring Agency,~~ provided they have knowledge of the person's system personnel's  
18 arrests or criminal charges and final dispositions, shall also notify NCEM ~~the Division of~~  
19 ~~Emergency Management~~ of arrests or criminal charges and final ~~disposition of the criminal~~  
20 ~~charges against system personnel;~~ ~~disposition;~~ and

21 (E) within seven days of the issuance of all Domestic Violence Protective Orders ~~pursuant to~~  
22 ~~G.S. 50B (G.S. 50B)~~ and Civil No Contact Orders ~~pursuant to G.S. 50C (G.S. 50C);~~ the  
23 sponsoring agency, provided they have knowledge of the order, shall also notify NCEM  
24 ~~the Division of Emergency Management of these orders.~~

25 (b) Requirements for all system equipment:

26 (1) equipment shall be made available for inspections and ~~inventory;~~ ~~inventory by NCEM personnel;~~

27 (2) ~~system resources shall count any state owned issued equipment to the specified equipment~~  
28 ~~requirements;~~

29 (3)(2) system resources shall maintain any state-owned equipment per ~~manufactures~~ ~~manufacturer's~~  
30 ~~recommendations and immediately notify NCEM of any damage to state property;~~ ~~state-owned and~~  
31 ~~issued equipment;~~ and

32 (4)(3) upon ~~separation~~ separation, all system resources shall return all state property in no more than 30  
33 ~~days;~~ ~~days to NCEM.~~

34 (c) Urban Search and Rescue Team Personnel and Training ~~Requirements~~ ~~Requirements:~~

35 (1) A Type I or Type II Urban Search and Rescue Team shall maintain a roster of 116 personnel who  
36 have successfully completed the NC-USAR ~~North Carolina Urban Search and Rescue~~ Structural  
37 Collapse Rescue Technician Course or the Federal Emergency Management Agency ~~Equivalent~~

1 Structural Collapse Specialist Course, which is adopted and incorporated by reference with  
2 subsequent changes or amendments pursuant to G.S. 150B-21.6 as outlined in the latest tool located  
3 at no cost at <https://rtlt.preptoolkit.fema.gov/Public>

4 (2) A Type III Urban Search and Rescue Team shall maintain a roster of 58 personnel who have  
5 successfully completed the NC USAR Structural Collapse Rescue Technician Course or the Federal  
6 Emergency Management Agency Equivalent Course.

7 (3) North Carolina Division of Emergency Management shall be responsible for providing qualified  
8 structures specialist, specialists, medical team managers, and canine search specialists for any typed  
9 urban search and rescue team as part of this program if required for a response.

10 (d) Urban Search and Rescue Team Equipment Requirements Requirements:

11 (1) Urban Search and Rescue Teams shall maintain a functionally equivalent cache of equipment based  
12 on the appropriate team type with the Emergency Management Accreditation Program Urban Search  
13 and Rescue Cache List which is adopted and incorporated by reference with subsequent changes or  
14 amendments pursuant to G.S. 150B-21.6 as outlined in the latest published standard by the  
15 Emergency Management Accreditation Program. Program located at no cost at  
16 <https://emap.org/index.php/root/assessor-resources/87-emap-cache-list>.

17 (2) Equipment shall be maintained in a manner ready to be used state of readiness and with a means to  
18 transport all required equipment.

19 (e) Swiftwater Rescue Team Personnel and Training Requirements Requirements:

20 (1) Any Type I Swiftwater Rescue Team shall maintain a minimum roster of 32 personnel who have  
21 successfully completed Swiftwater Rescue Technician level training that meets or exceeds training  
22 requirements of Chapters 5, 11, and 12 of NFPA National Fire Protection Associations (NFPA)  
23 1006 which is adopted and incorporated by reference with subsequent changes or amendments  
24 pursuant to G.S. 150B-21.6. G.S. 150B-21.6 and can be found at [https://www.nfpa.org/codes-and-](https://www.nfpa.org/codes-and-standards/all-codes-and-standards/list-of-codes-and-standards/detail?code=1006)  
25 [standards/all-codes-and-standards/list-of-codes-and-standards/detail?code=1006](https://www.nfpa.org/codes-and-standards/all-codes-and-standards/list-of-codes-and-standards/detail?code=1006) at a cost of  
26 \$91.00. From the complete roster, the team shall additionally maintain the following number of  
27 personnel trained in position specific advanced roles:

28 (A) eight personnel who have completed the North Carolina Swiftwater Flood Rescue Boat  
29 Operator Course;

30 (B) two personnel who have completed either the North Carolina Swiftwater / Flood Rescue  
31 Team Leader Course or North Carolina Urban Search and Rescue Task Force Leader  
32 Course; and

33 (C) two personnel who have completed either the North Carolina Swiftwater / Flood Rescue  
34 Team Communications Specialist Course or North Carolina Urban Search and Rescue  
35 Communications Specialist Course.

36 (2) Any Type II Swiftwater Rescue Team shall maintain a minimum roster of 24 personnel who have  
37 successfully completed Swiftwater Rescue Technician level training that meets or exceeds training

1 requirements of Chapters 5, 11, and 12 of NFPA 1006, 1006 which is adopted and incorporated by  
2 ~~reference with subsequent changes or amendments pursuant to G.S. 150B-21.6.~~ From the complete  
3 roster, the team shall ~~additionally~~ maintain the following number of personnel trained in position  
4 specific advanced roles:

5 (A) four personnel who have completed the North Carolina Swiftwater Flood Rescue Boat  
6 Operator Course;

7 (B) two personnel who have completed either the North Carolina Swiftwater Flood Rescue  
8 Team Leader Course or North Carolina Urban Search and Rescue Task Force Leader  
9 Course; and

10 (C) two personnel who have completed either the North Carolina Swiftwater Flood Rescue  
11 Team Communications Specialist Course or North Carolina Urban Search and Rescue  
12 Communications Specialist Course.

13 (3) Any Type III Swiftwater Rescue Team shall maintain a minimum roster of 16 personnel who have  
14 successfully completed Swiftwater Rescue Technician level training that meets or exceeds training  
15 requirements from Chapters 5, 11, and 12 of NFPA 1006, 1006 which is adopted and incorporated  
16 by reference with subsequent changes or amendments pursuant to G.S. 150B-21.6. From the  
17 complete roster, the team shall ~~additionally~~ maintain the following number of personnel trained in  
18 position specific advanced roles:

19 (A) two personnel who have completed the North Carolina Swiftwater Flood Rescue Boat  
20 Operator Course;

21 (B) two personnel who have completed either the North Carolina Swiftwater Flood Rescue  
22 Team Leader Course or North Carolina Urban Search and Rescue Task Force Leader  
23 Course; and

24 (C) two personnel who have completed either the North Carolina Swiftwater Flood Rescue  
25 Team Communications Specialist Course or North Carolina Urban Search and Rescue  
26 Communications Specialist Course.

27 (f) Swiftwater Rescue Team Equipment Requirements Requirements:

28 (1) Any Type I Swiftwater Rescue Team shall maintain an equipment cache of no less than:

29 (A) six 800 MHz portable radios programed with the NC VIPER Radio System template;

30 (B) 16 portable radios capable for internal team communications;

31 (C) one portable computer with a minimum of cellular or satellite-based internet access;

32 (D) 16 each of dry suits with a suitable liner, personal floatation devices with not less than  
33 22lbs of floatation, helmet with headlamp, rescue knife, pealess whistle, boat motor key,  
34 water rescue throw bag, and pair of water rescue boots;

35 (E) two each thermal imaging cameras and handheld spotlight; spotlights;

36 (F) two hardcopy of NC State of North Carolina road map; atlases;

37 (G) six global positioning system receivers;

- 1 (H) two forcible entry kits to include a Halligan, axe, ~~sledgehammer~~ sledgehammer, and bolt  
2 cutters per kit;
- 3 (I) two chain saws;
- 4 (J) four inflatable ridged boats not less than 4 meters in length with not less than six total  
5 outboard motors;
- 6 (K) one rope rescue kit to include 20 locking carabiners, four full body harness, two knot  
7 passing pulleys, 12 tandem prusiks, eight pulleys, two 200 foot life safety rope in a bag,  
8 two 300 foot life safety rope in a bag, line thrower, and six sections of each 5 foot, 12 foot,  
9 15 foot, 20 foot nylon tubular webbing;
- 10 (L) two decontamination kits to ~~include,~~ include one 2.5 gallon pressure sprayer, one five  
11 gallon bucket, one 40 gallon work box, one 110 volt submersible pump, two 25 foot  
12 sections of garden hose, garden hose wye adaptor, a 110 volt submersible pump, ~~soap and~~  
13 ~~bleach~~ cleaning solution per dry suit manufacturer recommendations, ~~solution,~~ and one 1.5  
14 inch to .75 inch male garden hose adapter;
- 15 (M) six non-venting fuel cells with fuel lines;
- 16 (N) two self-bailing ~~raft;~~ rafts;
- 17 (O) four boat field repair kits to include a patch and five clamshells ~~clamshell kit~~ per kit;
- 18 (P) 12 paddles;
- 19 (Q) ~~Shelter~~ shelter system for 16 personnel that can be ~~setup~~ assembled in under 30 minutes  
20 time and does not require power for ~~setup~~ assembly; with 16 each of a sleeping kit such as  
21 a cots, pad, or sleeping bag; and
- 22 (R) 16 each of a sleeping kit such as a cots, cot, pad, or sleeping bag;
- 23 (R) (S) Two two each of two kilowatt or larger generators with portable lights; and
- 24 (S) (T) Two two electric air pumps, four manual inflation pumps, and eight compressed air  
25 cylinders with ~~whip or fill system~~ systems to inflate boats or rafts.
- 26 (2) Any Type II Swiftwater Rescue Team shall maintain an equipment cache of no less than:
- 27 (A) four 800 MHz portable radios programed with the NC VIPER Radio System template;
- 28 (B) ten portable radios capable for internal team communications;
- 29 (C) one portable computer with a minimum of cellular or satellite-based internet access;
- 30 (D) ten each of dry suits with a suitable liner, personal floatation devices with not less than  
31 22lbs of floatation, helmet with headlamp, rescue knife, pealess whistle, boat motor key,  
32 water rescue throw bag, and pair of water rescue boots;
- 33 (E) two each thermal imaging cameras and handheld ~~spotlight;~~ spotlights;
- 34 (F) two ~~hardcopy of~~ NC State of North Carolina road ~~map;~~ atlases;
- 35 (G) four global positioning system receivers;
- 36 (H) one forcible entry kits to include a Halligan, axe, ~~sledgehammer~~ sledgehammer, and bolt  
37 cutters per kit;



- 1 (I) two chain saws;
- 2 (J) two inflatable ridged boats not less than 4 meters in length with not less than three total
- 3 outboard motors;
- 4 (K) one rope rescue kit to include 20 locking carabiners, four full body harness, two knot
- 5 passing pulleys, 12 tandem prusiks, eight pulleys, two 200 foot life safety rope in a bag,
- 6 two 300 foot life safety rope in a bag, line thrower, and six sections of each 5 foot, 12 foot,
- 7 15 foot, 20 foot nylon tubular webbing;
- 8 (L) one decontamination kits to ~~include,~~ include one 2.5 gallon pressure sprayer, one five
- 9 gallon bucket, one 40 gallon work box, one 110 volt submersible pump, two 25 foot
- 10 sections of garden hose, garden hose wye adaptor, a 110 volt submersible pump, ~~soap and~~
- 11 ~~bleach~~ cleaning solution per dry suit manufacturer recommendations, solution, and one 1.5
- 12 inch to .75 inch male garden hose adapter;
- 13 (M) four non-venting fuel cells with fuel lines;
- 14 (N) one self-bailing raft;
- 15 (O) two boat field repair kits to include a patch and five clamshells ~~clamshell kit per kit;~~
- 16 (P) six paddles;
- 17 (Q) ~~Shelter~~ shelter system for ten personnel that can be setup assembled in under 30 minutes
- 18 time and does not require power for setup assembly; with 16 each of a sleeping kit such as
- 19 a cots, pad, or sleeping bag; and
- 20 (R) ten each of a sleeping kit such as a cots, cot, pad, or sleeping bag;
- 21 (R) (S) Two two each of two kilowatt or larger generators with portable lights; and
- 22 (S) (T) Two two electric air pumps, four manual inflation pumps, and eight compressed air
- 23 cylinders with whip or fill system systems to inflate boats or rafts.
- 24 (3) Any Type III Swiftwater Rescue Team shall maintain an equipment cache of no less than:
- 25 (A) six 800 MHz portable radios programed with the NC VIPER Radio System template;
- 26 (B) six portable radios capable for internal team communications;
- 27 (C) one portable computer with a minimum of cellular or satellite-based internet access;
- 28 (D) six each of dry suits with a suitable liner, personal floatation devices with not less than
- 29 22lbs of floatation, helmet with headlamp, rescue knife, pealess whistle, boat motor key,
- 30 water rescue throw bag, and pair of water rescue boots;
- 31 (E) one ~~hardcopy~~ of NC State of North Carolina road map; atlas;
- 32 (F) two global positioning system receivers;
- 33 (G) one forcible entry kits kit to include a Halligan, axe, sledgehammer sledgehammer, and
- 34 bolt cutters per kit;
- 35 (H) one chain saw;
- 36 (I) one inflatable ridged boats not less than 4 meters in length with not less than two total
- 37 outboard motors;

- 1 (J) one rope rescue kit to include 20 locking carabiners, two full body harness, two knot  
2 passing pulleys, 12 tandem prusiks, four pulleys, 200 foot life safety rope in a bag, 300  
3 foot life safety rope in a bag, line thrower, and three sections of each 5 foot, 12 foot, 15  
4 foot, 20 foot nylon tubular webbing;
- 5 (K) one decontamination kits to include, include one 2.5 gallon pressure sprayer, one five  
6 gallon bucket, one 40 gallon work box, one 110 volt submersible pump, two 25 foot  
7 sections of garden hose, garden hose wye adaptor, a 110 volt submersible pump, soap and  
8 bleach cleaning solution per dry suit manufacturer recommendations, solution, and one 1.5  
9 inch to .75 inch male garden hose adapter;
- 10 (L) two non-venting fuel cells with fuel lines;
- 11 (M) one self-bailing raft;
- 12 (N) one boat field repair kits to include a patch and five clamshells clamshell kit per kit;
- 13 (O) three paddles;
- 14 (P) Shelter system for 16 personnel that can be setup assembled in under 30 minutes time and  
15 does not require power for setup assembly; with 16 each of a sleeping kit such as a cots,  
16 pad, or sleeping bag; and
- 17 (R) 16 each of a sleeping kit such as a cots, cot, pad, or sleeping bag;
- 18 (R) (S) one each of two kilowatt or larger generators with portable lights; and
- 19 (S) (T) one electric air pumps, one manual inflation pumps, and two compressed air cylinders with  
20 whip or fill system system to inflate boats or rafts.

21 (g) Helicopter search and rescue technicians shall:

- 22 (1) be a member of the Urban Search and Rescue, Swiftwater Rescue, Wilderness Search and Rescue,  
23 or Mountain Rescue Program Programs with a letter of support from their sponsoring agency;
- 24 (2) complete the North Carolina Division of Emergency Management Helicopter Rescue Indoctrination  
25 Course; and
- 26 (3) attend scheduled training on no less than a quarterly basis to maintain their qualification as a  
27 helicopter rescue technician.

28 (h) Helicopter Rescue Team Equipment Requirements

- 29 (1) Helicopter search and rescue technicians shall maintain all issued equipment in good working order  
30 and in accordance with the manufacturer recommendations.
- 31 (2) Helicopter search and rescue technicians shall inspect their issued equipment prior to and after each  
32 use and report any damage per manufacturer recommendations or unusual wear to the Aviation Life  
33 Safety Equipment Officer.

34 (i) Wilderness Search and Rescue Team Requirements

- 35 (1) A wilderness search and rescue team shall maintain a roster of no less than eight personnel that have  
36 completed the NC Land Search Field Team Member Course or other wilderness search course that  
37 meets the current requirements of ASTM the American Society for Testing and Materials F2209

1 standard which is adopted and incorporated by reference with subsequent changes or amendments  
2 pursuant to ~~G.S. 150B-21.6~~. G.S. 150B-21.6 and can be found at: [https://www.astm.org/f2209-](https://www.astm.org/f2209-20.html)  
3 [20.html](https://www.astm.org/f2209-20.html) at a cost of \$57.00.

4 (2) A wilderness search and rescue team shall maintain a team equipment cache of no less than eight of  
5 the following:

6 (A) field pack able to carry required equipment;

7 (B) multi-purpose knife;

8 (C) water ~~container(s)~~ containers sufficient to hold two quarts of potable water;

9 (D) safety glasses;

10 (E) pealess whistle;

11 (F) grid reader for 1:24000 scale;

12 (G) compass;

13 (H) two light sources with spare batteries;

14 (I) set of rain gear; gear to include jacket with a hood and pants;

15 (J) tracking stick no less than 42 inches long;

16 (K) watch;

17 (L) ~~fire starting kit;~~ equipment needed to start a fire such as waterproof matches or fire starting  
18 steel;

19 (M) measuring device capable of ~~measure~~ measuring no less than 18 inches;

20 (N) paper and pen or pencil;

21 (O) FEMA ICS 214 form; form which is adopted and incorporated by reference with  
22 subsequent changes or amendments pursuant to G.S. 150B-21.6 and can be found at:  
23 [https://training.fema.gov/emiweb/is/icsresource/assets/ics%20forms/ics%20form%20214,](https://training.fema.gov/emiweb/is/icsresource/assets/ics%20forms/ics%20form%20214,%20activity%20log%20(v3.1).pdf)  
24 [%20activity%20log%20\(v3.1\).pdf](https://training.fema.gov/emiweb/is/icsresource/assets/ics%20forms/ics%20form%20214,%20activity%20log%20(v3.1).pdf) at no cost;

25 (P) 50 foot of cordage;

26 (Q) eight zip ties; and

27 (R) signaling mirror.

28 (3) A wilderness search and rescue team shall maintain a rescue equipment cache of no less than the  
29 following:

30 (A) two global positioning system receivers; and

31 (B) two first aid kits; kits to include two tourniquets, eight four inch square gauze pads, two  
32 two inch gauze rolls, two rolls of paper tape one inch by ten yards, two rolls of moleskin  
33 patches two inch by five yards, two emergency survival blankets, two triangle bandages,  
34 one SAM splint 36 inches in length, five pairs of nitrile gloves, one CPR micromask, and  
35 one trauma shear scissors.

36 (j) Mountain Rescue Team Requirements

- 1           (1)     A mountain rescue team shall maintain a roster of no less than eight personnel that have completed  
2           the NC Mountain Rescue Operations Course with no less than ~~from those eight personnel~~, two  
3           personnel that have completed the NC Mountain Rescue Technician Level Course.
- 4           (2)     A mountain rescue team shall maintain a team equipment cache of no less than eight of following:
- 5                 (A)     field pack able to carry required equipment;  
6                 (B)     multi-purpose knife;  
7                 (C)     water ~~container(s)~~ ~~containers~~ sufficient to hold two quarts of potable water;  
8                 (D)     grid reader for 1:24000 scale;  
9                 (E)     ~~fire starting kit;~~ ~~equipment needed to start a fire such as waterproof matches or fire starting~~  
10                steel;  
11                (F)     compass;  
12                (G)     two light sources with spare batteries;  
13                (H)     set of rain gear; ~~gear to include jacket with a hood and pants;~~  
14                (I)     watch;  
15                (J)     paper and pen or pencil; and  
16                (K)     FEMA ICS 214 ~~form;~~ ~~form which is adopted and incorporated by reference with~~  
17                subsequent changes or amendments pursuant to G.S. 150B-21.6 and can be found at:  
18                [https://training.fema.gov/emiweb/is/icsresource/assets/ics%20forms/ics%20form%202014,](https://training.fema.gov/emiweb/is/icsresource/assets/ics%20forms/ics%20form%202014,%20activity%20log%20(v3.1).pdf)  
19                [%20activity%20log%20\(v3.1\).pdf](https://training.fema.gov/emiweb/is/icsresource/assets/ics%20forms/ics%20form%202014,%20activity%20log%20(v3.1).pdf) at no cost.
- 20           (3)     A mountain rescue team shall maintain a rescue equipment cache of no less than the  
21           following:
- 22                 (A)     two global positioning system receivers;  
23                 (B)     ten screw gate carabiners;  
24                 (C)     four belay type friction devices;  
25                 (D)     eight pre-sewn runners;  
26                 (E)     eight sets of matching prussik pairs;  
27                 (F)     four 30 foot ~~cord~~ ~~cords~~ suitable for anchor and litter rigging;  
28                 (G)     eight mountaineering harnesses;  
29                 (H)     two rappel type friction devices;  
30                 (I)     two each ~~of~~ single and double micro pulleys;  
31                 (J)     two 150 foot ropes with a rating equal to or greater than 20 kilonewtons;  
32                 (K)     two 250 foot ropes with a rating equal to or greater than 20 kilonewtons;  
33                 (L)     eight pairs of snow shoes;  
34                 (M)     eight pairs of trekking poles;  
35                 (N)     four ice screws;  
36                 (O)     eight pairs of slip-on boot traction devices;  
37                 (P)     four pairs of crampons;

- 1                    (Q) a patient litter such as a military type stokes basket or sked system; and  
2                    (R) two 800 MHz portable radios programed with the NC VIPER Radio System template.

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4  
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*History Note: Authority G.S. 166A-66; 166A-67; 166A-68;  
Eff. ~~January~~ April 1, 2023.*

1 14B NCAC 03 .0410 is adopted as published in 37:04 NCR 329 as follows:

2  
3 **14B NCAC 03 .0410 PROCEDURES FOR AUDITING CONTRACT RESPONSE TEAMS AND**  
4 **SPECIALTY RESCUE TEAMS**

5 ~~(a) Contract and specialty rescue teams~~ **Teams** shall be audited by the NC Division of Emergency Management  
6 **NCEM** no less than every three years to ensure compliance with program requirements. ~~Contract teams~~ **Teams** shall  
7 ~~make the following available~~ **provide the following** for review: **review by NCEM personnel within five days upon**  
8 **request:**

- 9 (1) ~~administrative records such as internal team plans and procedures, training records, personnel~~  
10 ~~records, equipment maintenance records, and any fiscal records pertaining to the contract or~~  
11 ~~specialty rescue team;~~  
12 (2) ~~equipment cache to include ensuring all required equipment is present, operational, and in a~~  
13 ~~deployment ready condition; and~~  
14 (3) ~~access to functional exercises that demonstrate the ability of the resource to muster, deploy, and~~  
15 ~~function. function in their specific functional area.~~

16 ~~(b) An audit report shall be completed and filed to report any findings and recommendations of the audit team within~~  
17 ~~30 days of audit with a copy being sent~~ **emailed** to the ~~sponsoring agency.~~ **Sponsoring Agency.**

- 18 (1) ~~The contract or specialty response team shall reply to any audit findings with a corrective action~~  
19 ~~plan within 30 days of receipt of audit report to the NC Division of Emergency Management.~~ **NCEM**  
20 **via email.**  
21 (2) ~~The contract or specialty response team shall address the issues of any audit findings~~ **complete the**  
22 **corrective action plan** prior to the next audit. Any audit of a ~~contract or specialty rescue team that~~  
23 ~~finds the resource did not address a finding~~ **determines a reoccurring finding** from the most recent  
24 audit report shall **require the team to** be referred to the NC Search and Rescue Disciplinary  
25 ~~Committee.~~ **Committee by NCEM.**  
26 (3) ~~Any finding of malicious or willful misconduct, misrepresentation, or fraud shall be automatically~~  
27 ~~referred to the NC Search and Rescue Disciplinary Committee.~~

28 ~~(c) The NC Search and Rescue Disciplinary Committee shall be appointed by the~~ **NCEM Director.** ~~Director of the~~  
29 ~~NC Division of Emergency Management. The NC Search and Rescue Disciplinary Committee shall be a workgroup~~  
30 ~~of the NC Search and Rescue Technical Advisory Committee.~~ **SAR TAC.**

- 31 ~~(1) The committee shall consist of:~~  
32 ~~(A) one representative of the NCEM Emergency Services Branch who shall serve as the chair;~~  
33 ~~(B) one representative from each of the NCEM Regional Branch Offices; and~~  
34 ~~(C) one representative from each~~ **program.** ~~program's technical advisory group.~~  
35 (2) ~~The committee shall conduct hearings to review reports of misconduct as well as any reported breach~~  
36 ~~of program requirements. Hearings conducted by the committee shall be informal and no party shall~~  
37 ~~be represented by legal counsel. The disciplinary committee shall determine:~~

1 ~~(A) — facts surrounding the incident in question;~~

2 ~~(B) — whether the facts of the incident violates the rules of the NC Search and Rescue Program;~~  
3 ~~Program as outlined in this Section; and~~

4 ~~(C) — the recommended sanction to be imposed up to and including dismissal dismissal of any~~  
5 ~~individual or team on a temporary or permanent basis from the program.~~

6 ~~(3) — The committee shall prepare a final report of their findings for review and concurrence by the NCEM~~  
7 ~~Operations Chief and the NCEM Director. The final decision on disciplinary action shall remain~~  
8 ~~with the NCEM Director.~~

9  
10 *History Note:* Authority G.S. 166A-66; 166A-67;

11 *Eff. January April 1, 2023.*

12

## Burgos, Alexander N

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**Subject:** FW: 14B NCAC 03 Requests for Changes - January 2023 RRC

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**From:** Polk, Will (CCPS) <Will.Polk@ncdps.gov>  
**Sent:** Wednesday, February 1, 2023 5:42 PM  
**To:** Liebman, Brian R <brian.liebman@oah.nc.gov>  
**Cc:** McDonald, Margaret (CCPS) <margaret.mcdonald@ncdps.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Barnes, Brian (NCEM) <Brian.Barnes@ncdps.gov>  
**Subject:** RE: 14B NCAC 03 Requests for Changes - January 2023 RRC

Hi Brian,

Yes, we will not be able to meet that deadline and will need to go into the March meeting. We will finalize our responses and send to you for your review if you need further clarification.

Best,  
Will Polk

**Will Polk**  
**Deputy General Counsel**  
**NC Department of Public Safety**  
**919-825-2706 (Office)**  
**919-219-4534 (mobile)**  
**EMAIL ADDRESS: [Will.Polk@ncdps.gov](mailto:Will.Polk@ncdps.gov)**  
[www.ncdps.gov](http://www.ncdps.gov)



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**From:** Liebman, Brian R <[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)>  
**Sent:** Wednesday, February 1, 2023 5:36 PM  
**To:** Polk, Will (CCPS) <[Will.Polk@ncdps.gov](mailto:Will.Polk@ncdps.gov)>  
**Cc:** McDonald, Margaret (CCPS) <[margaret.mcdonald@ncdps.gov](mailto:margaret.mcdonald@ncdps.gov)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Barnes, Brian (NCEM) <[Brian.Barnes@ncdps.gov](mailto:Brian.Barnes@ncdps.gov)>  
**Subject:** RE: 14B NCAC 03 Requests for Changes - January 2023 RRC

Will,

While I don't have a problem meeting with you to discuss your written responses, I think the best course is for you to submit written responses, then set up a meeting if there is a reason for further discussion.

We discussed a deadline for February of Friday, 2/3, so I'm not sure if you're indicating that you won't be meeting that deadline—which is fine, you can go to March—or if you'll be submitting written responses on Friday and then want to talk thereafter.

Thanks,  
Brian



Brian Liebman  
Counsel to the North Carolina Rules Review Commission  
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(984)236-1948  
[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)

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**From:** Polk, Will (CCPS) <[Will.Polk@ncdps.gov](mailto:Will.Polk@ncdps.gov)>  
**Sent:** Wednesday, February 1, 2023 5:27 PM  
**To:** Liebman, Brian R <[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)>  
**Cc:** McDonald, Margaret (CCPS) <[margaret.mcdonald@ncdps.gov](mailto:margaret.mcdonald@ncdps.gov)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Barnes, Brian (NCEM) <[Brian.Barnes@ncdps.gov](mailto:Brian.Barnes@ncdps.gov)>  
**Subject:** RE: 14B NCAC 03 Requests for Changes - January 2023 RRC

Hi Brian,

I hope you are doing well. I've been working with the Division on these rules. I was checking to see if we could set up a meeting to respond to some of your questions. We can meet next Tuesday between 10 and 4 or Thursday after 3 p.m. We can do it via Microsoft teams.

Please let me know if either of those days work for you.

Best,  
Will

**Will Polk**  
**Deputy General Counsel**  
**NC Department of Public Safety**  
**919-825-2706 (Office)**  
**919-219-4534 (mobile)**  
**EMAIL ADDRESS: [Will.Polk@ncdps.gov](mailto:Will.Polk@ncdps.gov)**  
[www.ncdps.gov](http://www.ncdps.gov)



## Burgos, Alexander N

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**Subject:** FW: 14B NCAC 03 Requests for Changes - January 2023 RRC

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**From:** Polk, Will (CCPS) <Will.Polk@ncdps.gov>  
**Sent:** Thursday, January 19, 2023 1:50 PM  
**To:** Liebman, Brian R <brian.liebman@oah.nc.gov>  
**Cc:** McDonald, Margaret (CCPS) <margaret.mcdonald@ncdps.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: 14B NCAC 03 Requests for Changes - January 2023 RRC

Brian,

Thank you for confirmation of the Commissions' action today. I have acknowledged receipt on behalf of NCDPS.

Best,  
Will Polk

**Will Polk**  
**Deputy General Counsel**  
**NC Department of Public Safety**  
**919-825-2706 (Office)**  
**919-219-4534 (mobile)**  
**EMAIL ADDRESS: [Will.Polk@ncdps.gov](mailto:Will.Polk@ncdps.gov)**  
[www.ncdps.gov](http://www.ncdps.gov)



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**From:** Liebman, Brian R <[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)>  
**Sent:** Thursday, January 19, 2023 11:31 AM  
**To:** Polk, Will (CCPS) <[Will.Polk@ncdps.gov](mailto:Will.Polk@ncdps.gov)>  
**Cc:** McDonald, Margaret (CCPS) <[margaret.mcdonald@ncdps.gov](mailto:margaret.mcdonald@ncdps.gov)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** RE: 14B NCAC 03 Requests for Changes - January 2023 RRC

Will,

Attached, please find a letter regarding the extension granted at today's meeting. Let me know if you have any questions.

Best,  
Brian

Brian Liebman  
Counsel to the North Carolina Rules Review Commission  
Office of Administrative Hearings  
(984)236-1948

[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)

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## Burgos, Alexander N

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**Subject:** FW: 14B NCAC 03 Requests for Changes - January 2023 RRC

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**From:** Polk, Will (CCPS) <Will.Polk@ncdps.gov>  
**Sent:** Tuesday, January 10, 2023 3:30 PM  
**To:** Liebman, Brian R <brian.liebman@oah.nc.gov>  
**Cc:** McDonald, Margaret (CCPS) <margaret.mcdonald@ncdps.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: 14B NCAC 03 Requests for Changes - January 2023 RRC

Understood. Thank you!

**Will Polk**  
**Deputy General Counsel**  
**NC Department of Public Safety**  
**919-825-2706 (Office)**  
**919-219-4534 (mobile)**  
**EMAIL ADDRESS: [Will.Polk@ncdps.gov](mailto:Will.Polk@ncdps.gov)**  
[www.ncdps.gov](http://www.ncdps.gov)



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**From:** Liebman, Brian R <[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)>  
**Sent:** Tuesday, January 10, 2023 3:28 PM  
**To:** Polk, Will (CCPS) <[Will.Polk@ncdps.gov](mailto:Will.Polk@ncdps.gov)>  
**Cc:** McDonald, Margaret (CCPS) <[margaret.mcdonald@ncdps.gov](mailto:margaret.mcdonald@ncdps.gov)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** RE: 14B NCAC 03 Requests for Changes - January 2023 RRC

Will,

Yes, February 3<sup>rd</sup> would be a good deadline. Remember you can go to the March meeting as well, if you'd rather. In that case, let's make the deadline March 3<sup>rd</sup>.

Brian

Brian Liebman  
Counsel to the North Carolina Rules Review Commission  
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## Burgos, Alexander N

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**Subject:** FW: 14B NCAC 03 Requests for Changes - January 2023 RRC

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**From:** Polk, Will (CCPS) <Will.Polk@ncdps.gov>  
**Sent:** Tuesday, January 10, 2023 3:14 PM  
**To:** Liebman, Brian R <brian.liebman@oah.nc.gov>  
**Cc:** McDonald, Margaret (CCPS) <margaret.mcdonald@ncdps.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: 14B NCAC 03 Requests for Changes - January 2023 RRC

Hi Brian,

Thank you for the recommendation. The deadline for the February meeting is the 3<sup>rd</sup> correct?

Best,  
Will

**Will Polk**  
**Deputy General Counsel**  
**NC Department of Public Safety**  
**919-825-2706 (Office)**  
**919-219-4534 (mobile)**  
**EMAIL ADDRESS: [Will.Polk@ncdps.gov](mailto:Will.Polk@ncdps.gov)**  
[www.ncdps.gov](http://www.ncdps.gov)



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**From:** Liebman, Brian R <[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)>  
**Sent:** Tuesday, January 10, 2023 3:04 PM  
**To:** Polk, Will (CCPS) <[Will.Polk@ncdps.gov](mailto:Will.Polk@ncdps.gov)>  
**Cc:** McDonald, Margaret (CCPS) <[margaret.mcdonald@ncdps.gov](mailto:margaret.mcdonald@ncdps.gov)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** RE: 14B NCAC 03 Requests for Changes - January 2023 RRC

Hi Will,

Thanks for letting me know, and I will recommend approval of your request for an extension to the Commission next week.

Attending virtually is fine. You should receive the link to participate, and if you do not, please let Alex know and he will take care of it for you.

Thanks,  
Brian

Brian Liebman

Counsel to the North Carolina Rules Review Commission  
Office of Administrative Hearings  
(984)236-1948  
[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)

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**From:** Polk, Will (CCPS) <[Will.Polk@ncdps.gov](mailto:Will.Polk@ncdps.gov)>  
**Sent:** Tuesday, January 10, 2023 3:01 PM  
**To:** Liebman, Brian R <[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)>  
**Cc:** McDonald, Margaret (CCPS) <[margaret.mcdonald@ncdps.gov](mailto:margaret.mcdonald@ncdps.gov)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** RE: 14B NCAC 03 Requests for Changes - January 2023 RRC

Good afternoon Brian,

In reviewing your comments, edits, and questions in the Request for Changes Pursuant to N.C. Gen. Stat. § 150B-21/10, NCDPS respectfully requests an extension of time to submit these changes until the February 2023 session of the Commission.

Furthermore, I may need to attend the Commission meeting virtually, if members have any questions or would like to hear from the agency on our request.

Thank you for your consideration.

Best,  
Will

**Will Polk**  
**Deputy General Counsel**  
**NC Department of Public Safety**  
**919-825-2706 (Office)**  
**919-219-4534 (mobile)**  
**EMAIL ADDRESS:** [Will.Polk@ncdps.gov](mailto:Will.Polk@ncdps.gov)  
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## Burgos, Alexander N

---

**From:** Polk, Will (CCPS)  
**Sent:** Thursday, January 5, 2023 11:16 AM  
**To:** Liebman, Brian R  
**Cc:** McDonald, Margaret (CCPS); Burgos, Alexander N  
**Subject:** RE: 14B NCAC 03 Requests for Changes - January 2023 RRC

Good morning Brian,

Thank you for sending this to me. I will review and follow up if I have any questions.

Best,  
Will Polk

**Will Polk**  
**Deputy General Counsel**  
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**From:** Liebman, Brian R <brian.liebman@oah.nc.gov>  
**Sent:** Thursday, January 5, 2023 10:07 AM  
**To:** Polk, Will (CCPS) <Will.Polk@ncdps.gov>  
**Cc:** McDonald, Margaret (CCPS) <margaret.mcdonald@ncdps.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** 14B NCAC 03 Requests for Changes - January 2023 RRC

Good morning,

I'm the attorney who reviewed the Rules submitted by the Department for the January 2023 RRC meeting. The RRC will formally review these Rules at its meeting on Thursday, January 19, 2023, at 9:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an evite should be sent to you as we get closer to the meeting. If there are any other representatives from your agency who will want to attend virtually, let me know prior to the meeting, and we will get evites out to them as well.

Please submit the revised Rules and forms to me via email, no later than 5 p.m. on Friday, January 13, 2023.

In the meantime, please do not hesitate to reach out via email with any questions or concerns.

Thanks,

Brian

Brian Liebman  
Counsel to the North Carolina Rules Review Commission  
Office of Administrative Hearings  
(984)236-1948  
[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)

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