

# ARKANSAS REGISTER



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W.J. "BILL" McCuen  
SECRETARY OF STATE  
LITTLE ROCK, ARKANSAS

## Transmittal Sheet

W.J. "Bill" McCuen  
Secretary of State  
State Capitol  
Little Rock, Arkansas 72201-1094

For Office  
Use Only:

Effective Date 10/1/92 Code Number 128.00.92--001

Name of Agency Arkansas Forestry Commission

Department Same

Contact Person Edwin E. Waddell Telephone 664-2531

Statutory Authority for Promulgating Rules Act 434 of 1967

Intended  
Effective Date

Date

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## CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted  
In Compliance With Act 434 of 1967 As Amended.

Handwritten signature of Edwin E. Waddell in cursive script.

SIGNATURE

State Forester

TITLE

August 10, 1992

DATE

Arkansas Forestry Commission  
August 7, 1992  
Edwin E. Waddell, State Forester

128.00.92-001  
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IN RE: THE ADOPTION OF AMENDMENTS TO THE )  
RULES AND REGULATIONS OF THE ARKANSAS )  
FORESTRY COMMISSION GOVERNING DESCRIPTION )  
OF AGENCY AND SERVICE CATEGORIES RELATIVE )  
TO FIRE LANE CONSTRUCTION, NURSERY, )  
RURAL FIRE DEFENSE AND REGULATORY SERVICES )

#### REPORT AND ORDER

Pursuant to Act 234 of 1931, as amended, and in compliance with Act 434 of 1967, as amended, the Arkansas Forestry Commission hereby issues the following amendments to the Rules and Regulations of the Commission which shall govern Description of Agency and those service categories relative to Fire Lane Construction, Nursery, Rural Fire Defense, and Regulatory Services. The aforementioned amendments shall be effective as of October 1, 1992, and are appropriately described as follows:

Section 1. Section III of the Rules of the Arkansas Forestry Commission is hereby amended to delete the paragraph of sub-section B. entitled Organization which is currently as follows:

"For the purpose of orderly administration and field execution of the various services and programs of the Commission, the State is divided into three (3) regions and ten (10) districts (copy of Commission Operations Map attached as Annex A.) The regional offices are located at Camden, Greenbrier, and Forrest City. The district offices are located at Crossett, Dierks, El Dorado, Stamps, Malvern, Fayetteville/Eureka Springs, Mountain View/Harrison, Ash Flat, Heber Springs, and Clarksville. Additional supervisory units of the Commission are two (2) tree seedling nurseries located in North Little Rock and Bluff City, the Poison Springs State Forest at Camden (comprised of lands in Ouachita and Nevada Counties) and two (2) field offices in Stuttgart and Jonesboro. The services of the nurseries and State Forest are later described in this document. The Commission district however, is the basic field unit of the Commission for servicing the many and varied requests of landowners, industry, and the general public in the areas of forest protection, development, and information and education assistance.

Section 2. Section III of the Rules of the Arkansas Forestry Commission is further amended to restate the paragraph of sub-section B. entitled "Organization" as follows:

"For the purpose of orderly administration and field execution of the various services and programs of the Commission, the State is divided into eleven (11) districts (copy of Commission Operations Map attached as Annex A). The district offices are located at Monticello, Dierks, El Dorado, Stamps, Malvern, Fayetteville, Mountain View, Ash Flat, Heber Springs, Clarksville and Forrest City. Additional supervisory units of the Commission are Baucum Nursery located near North Little Rock, the Tree Improvement Complex in Bluff City, the Rural

~~Fire Defense Section in Greenbrier and the Poison Springs State Forest at Camden~~ (comprised of lands in Ouachita and Nevada Counties). The services of the Nursery, Tree Improvement Complex, Rural Fire Defense Section and State Forest are described in IV., D., E., F., respectively, of this document. The Commission district is the basic field unit of the Commission for servicing the many and varied requests of landowners, industry and the general public in the areas of forest protection, development, and information and education assistance."

Section 3. Section IV of the Rules of the Arkansas Forestry Commission is hereby amended to delete all (12) unnumbered paragraphs of sub-section (C., 3.) entitled Fire Lane Construction which currently are as follows:

"Provided upon request to private landowners. This service is offered primarily in an effort to protect the forest and non-forest watershed lands of the State from wildfire. This service should not be confused with, and is in no way related to Prescribed Burning for silvicultural purposes. This service, as in the case of other Commission technical services, is not designed for large scale production efforts available from commercial vendors, but is offered primarily for landowners who are unable to secure vendor prices and/or reasonable rates.

The Commission may construct fire lanes or fire breaks on private lands with Commission equipment and manpower when the landowner enters into agreement (sample copy of Fire Lane Construction Work Agreement attached as Annex G) with the Commission.

When in the best interests of the Commission fire prevention efforts of the State, the Commission may burn areas in conjunction with fire lane construction. The latter activity shall be accomplished at the discretion of the Commission and is currently performed only on those railroad rights-of-way exhibiting a recorded occurrence of railroad fires that is deemed unacceptable. This service is provided, when necessary for the protection of the forests of the State, as a whole. There is, of course, a difference in charges for work performed when burning is done as compared only to fire lane construction.

There are no constraints imposed on this service by the Commission, either time or otherwise due to the importance of fire prevention and/or protection to the populace of the State.

Landowners are urged to participate in the fire lane construction program under the Federal Forestry Incentives Program (FIP) previously noted and discussed in the technical assistance section of this document. This program is governed by federal rules and regulations which provide cost sharing for eligible applicants, and administered by the Agricultural Stabilization and Conservation Service (ASCS).

The Commission exercises no discretionary power in the program. However, the Commission fire lane construction services are available to applicants of eligible counties in the absence of vendors and/or reasonable rates. Fire lane specifications under the FIP program are based upon federal guidelines. For information on this program, contact the local ASCS office, Extension Service

~~office, or Forestry Commission office, as per Section III, Paragraph C, of this document.~~

In the event an eligible applicant does not want to participate in the FIP program in the construction of fire lanes, but desires a custom fire lane of lesser type width, etc., to include railroad right-of-way burning, the Commission will offer assistance, if desired. The fire lane is a break in ground vegetation to the extent of exposing the mineral soil, and constructed by crawler tractor utilizing the dozer blade, fire lane plow, or both.

The charge for this service will be an expressed amount per hour, per thousand linear feet or per mile, depending upon whether it is custom, FIP, or railroad right-of-way, respectively.

Custom fire lane construction includes no burning and the charges will be an expressed amount per hour, per crew. A crew normally consists of a fire plow unit and two persons. The charge is computed in such a manner as not to exceed actual Commission costs. FIP fire lane construction includes no burning and the charges will be an expressed amount per 1000 linear feet. The work is performed under FIP specifications and the charges are computed based on a representative area sampling of reasonable vendor rates. Railroad right-of-way fire lane construction includes the burning of selected areas. The charges will be an expressed amount per mile of track which includes fire lanes and burning on both track sides. These charges are computed based on a representative area sampling of reasonable vendor rates.

The Commission, with discretion, may do a limited amount of fire lane construction for rural churches, cemeteries, etc., at no charge. These cases will be limited to no more than thirty (30) minutes actual work per applicant. In addition, this service, at the discretion of the Commission, may be done without charge when done for demonstration purposes that ultimately will benefit the public, as regards sound forest protection principles. Services done without charge would involve selected private landowners, schools, cities, communities, private organizations, etc., and would require the approval of the State Forester or his designated representative.

The service categories and charges for this program shall be as determined by the Board of Forestry Commissioners and amended as necessary to be commensurate with a representative area sampling of reasonable vendor rates. Service categories available and current rates will be published and available in all Commission offices.

The landowner will pay the Commission within thirty (30) days of receipt of a statement for services rendered."

Section 4. Section IV of the Rules of the Arkansas Forestry Commission is further amended to restate (9) unnumbered paragraphs of sub-section (C., 3.) entitled "Fire Lane Construction" as follows:

"Provided upon request to private landowners. This service is offered primarily

~~in an effort to protect the forest and non-forest watershed lands of the State~~ from wildfire. This service should not be confused with, and is in no way related to Prescribed Burning for silvicultural purposes. This service, as in the case of other Commission technical services, is not designed for large scale production efforts available from commercial vendors, but is offered primarily for landowners who are unable to secure vendor services and/or reasonable rates. The fire lane is a break in ground vegetation to the extent of exposing the mineral soil, and constructed by a crawler tractor utilizing the dozer blade, fire line plow or both.

The Commission may construct fire lanes or fire breaks on private lands with Commission equipment and manpower when the landowner enters into agreement (see Annex G "Fire Lane Construction Work Agreement") with the Commission.

When in the best interests of the Commission fire prevention efforts of the State, the Commission may burn areas in conjunction with fire lane construction. The latter activity shall be accomplished at the discretion of the Commission and is currently performed only on those railroad rights-of-way exhibiting a recorded occurrence of railroad fires that is deemed unacceptable. This service is provided, when necessary for the protection of the forests of the State, as a whole. There is, of course, a difference in charges for work performed when burning is done as compared only to fire lane construction.

There are no constraints imposed on this service by the Commission, either time or otherwise due to the importance of fire prevention and/or protection to the populace of the State.

The charge for the fire lane construction service will be an expressed amount per hour, or per mile, depending upon whether it is custom or railroad right-of-way, respectively.

Custom fire lane construction includes no burning and the charges will be an expressed amount per hour, per crew. A crew normally consists of a fire plow unit and two persons. The charge is computed in such a manner as not to exceed actual Commission costs. Railroad rights-of-way fire lane construction includes the burning of selected areas. The charges will be an expressed amount per miles of track which includes fire lanes and burning on both track sides. These charges are computed based on a representative area sampling of reasonable vendor rates.

The Commission, with discretion, may do a limited amount of fire lane construction for rural churches, cemeteries, etc., at no charge. These cases will be limited to no more than sixty (60) minutes actual work per applicant. In addition, this service, at the discretion of the Commission, may be done without charge when done for demonstration purposes that ultimately will benefit the public, as regards sound forest protection principles. Services done without charge would involve selected private landowners, schools, cities, communities, private organizations, etc., and would require the approval of the State Forester or his designated representative.

~~The service categories and charges for this program shall be as determined by the Board of Forestry Commissioners and amended as necessary to be commensurate with a representative area sampling of reasonable vendor rates. Service categories available and current rates will be published and available in all Commission offices.~~

The landowner will pay the Commission within thirty (30) days of receipt of a statement for services rendered."

Section 5. Section IV of the Rules of the Arkansas Forestry Commission is hereby amended to delete all (7) unnumbered paragraphs of sub-section (D) entitle "Nursery", as amended by Amendment FY 90-1 which currently are as follows:

"The Commission owns and operates a tree seedling nursery, a tree improvement complex and an appropriate number of seed orchards in an effort to promote reforestation of bare and/or understocked forest lands for economic, recreational, wildlife, hydrologic, environmental, and aesthetic benefit to the private and public landowners of the State, and the general public as well. A variety of species of both softwood and hardwood planting stock are produced for sale to public and private landowners. Hardwood seed may be procured for resale to those landowners desiring to reforest by direct seedling. Also when requested, the Commission may provide custom grown planting stock for large industrial owners and commercial nurseries.

Prior to receiving Commission nursery planting stock, application must be made by submitting Commission "Tree Seedling Order" form (see Annex H) accompanied by full payment for the amount requested. Applicant will be given a receipt upon payment.

Applications may be submitted from July 1st through March 31st and will be accepted at the District, County, and State Forest offices if planting stock is to be picked up at those offices; at the Commission Nursery or Tree Improvement Complex, if planting stock is to be picked up by purchaser or agent at these locations; at the Commission Headquarters in Little Rock. Industry orders and/or delayed payment orders are to be accepted only by the Resource Management Department at the Little Rock Headquarters. Applicants must designate the location where planting stock will be picked up -at the Nursery or other AFC Seedling Cooler locations, and should give a minimum of two weeks notice of requested delivery date.

The Commission assumes no responsibility for planting of Commission nursery planting stock, nor does the Commission guarantee survival of any planting stock.

The Commission reserves the right to set maximum orders, reduce, or cancel orders depending upon the availability of planting stock. For planting stock orders cancelled prior to January 15th, the entire planting stock price will be refunded; after January 15th fifty percent (50%) of the planting stock price will be refunded on orders cancelled. Exceptions may be made by the State Forester upon receipt of a written explanation from the applicant justifying cancellation.

~~If the Commission cancels the order due to planting stock shortages, the full purchase price will be refunded.~~

The costs of the Commission nursery planting stock shall be as determined by the Board of Forestry Commissioners and amended as necessary to be commensurate with actual Commission costs in an effort to enable the Commission nursery to operate on a self-sustaining basis. On occasion, applicants request planting stock that is unavailable from the Commission nursery. In these instances planting stock may be obtained at other sources by the Commission and sold at prices sufficient to recover purchasing and handling costs. Current species and bundle size available, minimum orders, and prices FOB nursery or other pickup point will be published and available in all Commission offices.

Full payment must accompany all planting stock orders and all checks made payable to: Arkansas Forestry Commission."

Section 6. Section IV of the Rules of the Arkansas Forestry Commission is further amended to restate all (7) unnumbered paragraphs of sub-section D. entitled "Nursery", as amended by Amendment 90-1, as follows:

"The Commission owns and operates a tree seedling nursery, and a tree improvement complex in an effort to promote reforestation of bare and/or understocked forest lands for economic, recreational, wildlife, hydrologic, environmental, and aesthetic benefit to the private and public landowners of the State, and the general public as well. A variety of species of both softwood and hardwood planting stock are produced for sale to public and private landowners. Hardwood seed may be procured for resale to those landowners desiring to reforest by direct seeding. Also when requested, the Commission may provide custom grown planting stock for large industrial owners and commercial nurseries.

Orders may be submitted from July 1st through March 31st and will be accepted at the District, County, and State Forest offices if planting stock is to be picked up at those offices; at the Commission Nursery or Tree Improvement Complex, if planting stock is to be picked up by purchaser or agent at these locations; at the Commission Headquarters in Little Rock. Industry orders and/or delayed payment orders are to be accepted only by the Resource Management Department at the Little Rock Headquarters. Applicants must designate the location where planting stock will be picked up -at the Nursery or other AFC Seedling Cooler locations, and should give a minimum of two weeks notice of requested delivery date.

The Commission assumes no responsibility for planting of Commission nursery planting stock, nor does the Commission guarantee survival of any planting stock.

The Commission reserves the right to set maximum orders, reduce, or cancel orders depending upon the availability of planting stock. For planting stock orders cancelled prior to January 15th, the entire planting stock price will be refunded; after January 15th fifty percent (50%) of the planting stock price will be refunded on orders cancelled. Exceptions may be made by the State Forester upon receipt of a written explanation from the applicant justifying cancellation.

~~If the Commission cancels the order due to planting stock shortages, the full purchase price will be refunded.~~

The costs of the Commission nursery planting stock shall be as determined by the Board of Forestry Commissioners and amended as necessary to be commensurate with actual Commission costs in an effort to enable the Commission nursery to operate on a self-sustaining basis. On occasion, applicants request planting stock that is unavailable from the Commission nursery. In these instances planting stock may be obtained at other sources by the Commission and sold at prices sufficient to recover purchasing and handling costs. Current species and bundle size available, minimum orders, and prices FOB nursery or other pickup point will be published and available in all Commission offices.

Full payment must accompany all planting stock orders of less than 100,000 pine and/or 50,000 hardwood. Delayed payment may be allowed for orders in excess of said amounts, providing full payment is required within thirty days from billing date. All checks or money orders must be made payable to: Arkansas Forestry Commission."

Section 7. Section IV of the Rules of the Arkansas Forestry Commission is hereby amended to delete all (30) unnumbered paragraphs of sub-section (E., 1., 2., 3., 4.) entitled "Rural Fire Defense" which are currently as follows:

"The Commission offers a comprehensive rural fire defense assistance program in an effort to effectively service the fire protection needs of the rural areas of the State. This assistance is without charge, except for the fire equipment that may be obtained through the rural fire protection service, explained later in this section.

Assistance is available to rural fire protection districts and/or services operated not-for-profit providing fire protection services to property owners in areas outside the limits of incorporated cities or towns, and/or to areas partially or totally within the boundaries of cities or incorporated towns in the State which do not have a full-time organized fire department or in which seventy-five percent (75%) or more of the firemen employed by the fire department are volunteer firemen. When used in this Section, the term "rural fire protection districts" shall include any city or town which does not have a full time organized fire department, or in which seventy-five (75%) or more of the firemen employed by the volunteer fire department are volunteer firemen.

The only constraint imposed by the Commission concerning assistance rendered in this program is that it will be carried out in consonance with other programs, within the limitations of Commission personnel and fiscal resources, and in the case of the rural fire protection service, vehicle availability.

All applicants will be served in turn, dependent upon established priority criteria, and with respect to existing workload. Application for rural fire defense program assistance may be made by verbal request or written correspondence as per the instructions in Section III, Paragraph C, of this document. Additional forms and/or application information may be necessary, and



if so, applicant will be so advised.

Following is a descriptive list of the rural fire defense assistance programs available from the Commission:

1. Organization, Training, and Equipping

Technical assistance and/or advice concerning this program area is available upon request to eligible applicants. This assistance will consist of recommendations concerning: necessary actions to initiate a fire service organization, to include legal aspects; master fire planning for meeting fire service needs in a prescribed and/or designated rural area; the determination of training levels/courses needed by the fire organization, the scheduling of such courses and their administration and/or coordination with other agencies; the determination of the equipment needs to include type and amount that will be necessary for the fire organization to effectively satisfy the needs of the area to be protected; and other assistance, as may be related.

While the services offered will enhance structural fire services through proper organization and equipping, training courses offered by the Commission are primarily oriented toward ground cover fire activity. Structural fire assistance in organization, training, and equipping is available from the Fire Training Academy in Camden. This agency and the Commission coordinate assistance efforts in rural fire defense and information can be obtained, as desired, from either agency.

The Commission provides training in wildfire behavior and control techniques for firefighters of federal, state, industrial, and local volunteer fire organizations.

2. Federal Grant Assistance

A limited amount of federal funds may be available to eligible applicants as a result of the Cooperative Forestry Assistance Act of 1978. This program was formerly Public Law 92-419, as amended, or better known as the Rural Development Act of 1972, but was superseded by the former Act. The Rural Fire Prevention and Control Section of the new act deals with the aspects of rural community fire protection. This program is governed by federal rules and regulations, but is administered in Arkansas by the Forestry Commission. The program allows 50-50 matching grants in the areas of fire service organization, training, and equipping, within federal guideline limits.

The Commission only has discretionary powers to determine priority in the type of assistance that will receive grant funds, and to develop an applicant priority criteria for the disbursement of the

~~funds. In an effort to serve the most pressing need of the fire organizations in the State, it has been determined by the Commission that grant funds will be disbursed in priority to applicants for the purchase of fire related equipment, with the exception of chassis.~~

An announcement will be made through the media about the availability of grant funds and the beginning of the grant period. Applicants will make grant request to the Commission by submitting a letter of request to the District Forester. This letter shall be supported by the following:

- A. Written Program Narrative
- B. Response Map
- C. List of Requested Equipment (\$1,000 or more)
- D. Completed Priority Rating Form

All grant requests received by the District are grouped for approval by a priority rating system (sample copy of this form is attached as Annex K). This form is made available to all applicants with application instructions mentioned previously.

Applicants receiving approval for grant funds are notified by U.S. Mail to complete federal forms AD-623 and AD-628, and to purchase designated items of equipment. (Sample copies of forms AD-623 and AD-628 attached as Annex I and J, respectively.) Applicants shall submit both forms and copies of paid invoices for equipment amounting to \$1,000 or more to the District Forester. Applicants who do not receive approval for grant funds will also be notified by U.S. Mail.

Grants may be made to eligible applicants in increments of \$500 and shall not exceed \$2,500 for any one county. Upon completion of notifications by the District Forester all documents shall be sent to the Rural Fire Administrator for verification.

Funds not used by the District during the grant time frame may be reapportioned to the Rural Fire Defense Program for rebate or purchase of Act 36 converted vehicles. This will be done on a first come first serve basis after the grant period.

### 3. Federal Excess Property

The Commission, through its affiliation with the U.S. Department of Agriculture - Forest Service, can acquire federal excess military vehicles and other property that may be issued to eligible fire organizations for the use in a non-restricted response system of rural fire protection. This property may be obtained on a lease without charge basis for an indefinite period of time, up to fifty (50) years.

Fire organizations desiring assistance in this program area will

~~submit an equipment request form to the local Commission district~~ office (sample copy of rural fire defense equipment request attached as Annex L). This form is available at all Commission Region and District offices. All vehicle requests are filed in the Rural Fire Defense office at Greenbrier according to the date received. Requests are filled as vehicles become available from military bases, and applicants are notified when vehicles are available. If the applicant does not desire the vehicles offered at that time, they are offered to the next applicant in line. Requests will be kept on file for one (1) year from date received after which they may be destroyed.

The fire organization then completes a lease agreement with the Commission, subject to the conditions contained therein (sample copy of Cooperative Lease Agreement attached as Annex M). All leased property remains in the ownership of the Federal Government, and is disposed of in accordance with Federal Government Service Administration rules and regulations.

This program area pertains primarily to all federal excess property vehicles that are excess to the needs of the rural fire protection service and that may be issued to eligible fire organizations that do not desire to participate in the latter service, more fully described immediately following in this section.

4. Rural Fire Protection Service

Act 36 of 1979, established within the Commission, as a separate divisional service, a program designed to encourage and aid the establishment, development, and operation of fire fighting services in rural areas. The benefits of this service will be available to non-profit fire service organizations providing services to property owners in areas outside the limits of incorporated cities or towns and/or to areas partially or totally within the boundaries of incorporated cities or towns which do not have a full-time organized fire department or in which seventy-five percent (75%) or more of the fire fighters are volunteer.

Act 36 of 1979 may be used and referenced with regard to rules and regulations concerning the rural fire protection service, as appropriate. The Act also charged the Commission specifically to promulgate rules and regulations concerning revolving fund administration, applicant eligibility standards to secure equipment, vehicle assignment standards necessary fire planning and minimum training standards.

- A. Revolving Fund - Act 36 of 1979 authorized the establishment of a rural fire protection revolving fund for operational expenses and loans to communities to be used by the rural fire protection service of the Arkansas Forestry Commission.

1. Renovation of Vehicles - Twenty-five to forty percent (25-40%) of the funding level of the revolving fund will be used to convert vehicles to fire fighting capability to include mechanical checks, painting, body work, and installations of tanks, pumps, and other essential items. Actual cost figures will be compiled for each vehicle, and reimbursement received from participating fire departments for deposit back to the revolving fund.
2. Loans - Fifty to sixty percent (50-60%) of the funding level of the revolving fund will be used to enable communities to purchase the equipment installed in the converted vehicles (military vehicles will be on free lease agreement - see Annex M). Up to seventy-five percent (75%) of the total cost may be borrowed for a period not to exceed two (2) years, interest free. Payments must be made in equal amounts on six month intervals. If full payment is not made at the end of the two year period, the equipment will be repossessed by the Commission. A fair market value will be determined and the equipment sold to another fire department. The proceeds, in excess of the remaining indebtedness will be returned to the borrowing fire department official. A bill of sale will be issued when payment is received.

Up to twenty-five percent (25%) of the funding level of the revolving fund may be loaned to communities to purchase other approved fire equipment. Loans to any one applicant for other fire equipment shall not exceed the average cost of converted vehicles.

- B. Application and Vehicles Assignment - Application forms and priority rating sheets (see Annex U, Exhibits 1 and 2 respectively) are available at all Commission district and regional offices, as well as the state office.

Applicants will submit to the Rural Fire Administrator, the application form and the priority rating sheet. Upon review of these forms by the Rural Fire Administrator, qualifying applicants will be assigned a vehicle according to date received. Multiple applications received on the same date will be grouped accordingly to value at risk and present capability.

- C. Fire Planning - Applicants must have a written fire plan setting out the area of operations, method of financing, development goals, and plan of action that is satisfactory to the Commission, prior to receiving a vehicle.

~~D. Training - Applicants must have completed the basic sixteen (16) hour (see Annex U Pages 8, 9, and 10) training course before the vehicle will be released to a fire department. The training will include the following: twelve (12) hours structural by the Fire Training Academy and four (4) hours woodland by the Forestry Commission."~~

Section 8. Section IV of the Rules of the Arkansas Forestry Commission is further amended to reinstate (32) unnumbered paragraphs of sub-section (E.) entitled "Rural Fire Defense" as follows:

"The Commission offers a comprehensive rural fire defense assistance program in an effort to effectively service the fire protection needs of the rural areas of the State. This assistance is without charge, except for the fire equipment that may be obtained through the rural fire protection service, explained later in this section.

Assistance is available to rural fire protection districts and/or services operated not-for-profit providing fire protection services to property owners in areas outside the limits of incorporated cities or towns, and/or to areas partially or totally within the boundaries of cities or incorporated towns in the State which do not have a full-time organized fire department or in which seventy-five percent (75%) or more of the firemen employed by the fire department are volunteer firemen. When used in this Section, the term "rural fire protection district" shall include any city or town which does not have a full time organized fire department, or in which seventy-five (75%) or more of the firemen employed by the volunteer fire department are volunteer firemen.

The only constraint imposed by the Commission concerning assistance rendered in this program is that it will be carried out in consonance with other programs, within the limitations of Commission personnel and fiscal resources, and in the case of the rural fire protection service, vehicle availability.

All applicants will be served in turn, dependent upon established priority criteria, and with respect to existing workload. Application for rural fire defense program assistance may be made by verbal request or written correspondence as per the instructions in Section III, Paragraph C, of this document. Additional forms and/or application information may be necessary, and if so, applicant will be so advised.

Following is a descriptive list of the rural fire defense assistance programs available from the Commission:

1. Organization, Training, and Equipping

Technical assistance and/or advice concerning this program area is available upon request to eligible applicants. This assistance will consist of recommendations concerning: necessary actions to initiate

~~a fire service organization, to include legal aspects; master fire planning for meeting fire service needs in a prescribed and/or designated rural area; the determination of training levels/courses needed by the fire organization, the scheduling of such courses and their administration and/or coordination with other agencies; the determination of the equipment needs to include type and amount that will be necessary for the area to be protected; and other assistance, as may be related.~~

While the services offered will enhance structural fire services through proper organization and equipping, training courses offered by the Commission are primarily oriented toward ground cover fire activity. Structural fire assistance in organization, training, and equipping is available from the Fire Training Academy in Camden. This agency and the Commission coordinate assistance efforts in rural fire defense and information can be obtained, as desired, from either agency.

The Commission provides training in wildfire behavior and control techniques for firefighters of federal, state, industrial, and local volunteer fire organizations.

## 2. Federal Grant Assistance

A limited amount of federal funds may be available to eligible applicants as a result of the Cooperative Forestry Assistance Act of 1978. This program was formerly Public Law 92-419, as amended, or better known as the Rural Development Act of 1972, but was superseded by the former Act. The Rural Fire Prevention and Control Section of the current Act deals with the aspects of rural community fire protection. This program is governed by federal rules and regulations, but is administered in Arkansas by the Forestry Commission. The program allows 50-50 matching grants in the areas of fire service organization, training, and equipping, within federal guideline limits.

The Commission only has discretionary powers to determine priority in the type of assistance that will receive grant funds, and to develop an applicant priority criteria for the disbursement of the funds. In an effort to serve the most pressing need of the fire organizations in the State, it has been determined by the Commission that grant funds will be disbursed in priority to applicants for the purchase of fire related equipment, with the exception of chassis.

An announcement will be made through the media about the availability of grant funds and the beginning of the grant period. Applicants will make grant request to the Commission by submitting a letter of request to the District Forester. This letter shall be supported by the following:

- a. ~~Written Program Narrative~~
- b. Response Map
- c. List of Requested Equipment (\$1,000 or more)
- d. Completed Priority Rating Form

All grant requests received by the District are grouped for approval by a priority rating system (see Annex K). This form is made available to all applicants with application instructions mentioned previously.

Applicants receiving approval for grant funds are notified by U.S. Mail to complete federal forms AD 424-A, AD 424-C, AD 424-D, and Standard Form 270, and to purchase designated items of equipment. (See Annex I and J for forms AD 424-A and AD 424-C, and Standard Form 270, respectively.) Applicants shall submit both forms and copies of paid invoices for equipment amounting to \$1,000 or more to the District Forester. Applicants who do not receive approval for grant funds will also be notified by U.S. Mail.

Grants may be made to eligible applicants in increments of \$500 and shall not exceed \$2,500 for any one county. Upon completion of notifications by the District Forester all documents shall be sent to the Rural Fire Administrator for verification.

Funds not used by the District during the grant time frame may be reapportioned to the Rural Fire Defense Program for rebate or purchase of Act 36 converted vehicles. This will be done on a first come first serve basis after the grant period.

### 3. Federal Excess Property

The Commission, through its affiliation with the U.S. Department of Agriculture - Forest Service, can acquire federal excess military vehicles and other property that may be issued to eligible fire organizations for the use in a non-restricted response system of rural fire protection. This property may be obtained on a lease without charge basis for an indefinite period of time, up to fifty (50) years.

Fire organizations desiring assistance in this program area will submit an equipment request form to the local Commission district office (See Annex L, Rural Fire Defense Equipment Request). This form is available at all Commission Offices. All vehicle requests are filed in the Rural Fire Defense Office at Greenbrier according to the date received. Requests are filled as vehicles become available from military bases, and applicants are notified when vehicles are available. If the applicant does not desire the vehicles offered at that time, they are offered to the next applicant in line. Requests will be kept on file for one (1) year from date received after which a fire department may extend the request one

~~(1) additional year. At the end of the second year, all requests shall be destroyed.~~

The fire organization then completes a lease agreement with the Commission, subject to the conditions contained therein (See Annex M, Cooperative Lease Agreement). All leased federal property remains in the ownership of the Federal Government, and is disposed of in accordance with Federal Government Service Administration rules and regulations.

This program area pertains primarily to all federal excess property vehicles that are excess to the needs of the rural fire protection service and that may be issued to eligible fire organizations that do not desire to participate in the latter service, more fully described immediately following in this section.

4. Rural Fire Protection Service

Act 36 of 1979, established within the Commission, as a separate divisional service, a program designed to encourage and aid the establishment, development, and operation of fire fighting services in rural areas. The benefits of this service will be available to non-profit fire service organizations providing services to property owners in areas outside the limits of incorporated cities or towns and/or to areas partially or totally within boundaries of incorporated cities or towns which do not have a full-time organized fire department or in which seventy-five percent (75%) or more of the fire fighters are volunteer.

a. Revolving Fund - Act 36 of 1979 authorized the establishment of a rural fire protection revolving fund, use in the conversion and renovation of military vehicles and making loans for fire equipment to rural fire departments by the Rural Fire Defense Division of the Arkansas Forestry Commission.

1. Conversion and Renovation of Vehicles - Conversion and renovation of vehicles to fire fighting capabilities shall consist of making these vehicles safe and dependable. They shall be checked out mechanically for brakes, tires, engine tuning, carburetor rebuilding, painting and body work and other necessary essential parts.

2. Loans - Fifty to seventy percent (50-70%) of the funding level of the revolving fund may be loaned to communities to enable them to purchase the equipment installed on, and to pay for the costs of renovation of these converted vehicles. Funds may also be loaned to communities to purchase other approved fire apparatus and equipment. Loans to any one applicant for fire apparatus and/or



~~equipment shall not exceed the average cost of converted vehicles.~~ (Military vehicles may not be sold. These vehicles will be on a no-fee lease agreement - See Annex M).

Up to seventy-five percent (75%) of the total cost of conversion and/or fire equipment purchased may be borrowed for a period not to exceed two (2) years, interest free. Payments must be made in equal amounts on six (6) month intervals. If full payment is not made at the end of the two (2) year period, the equipment will be repossessed by the Commission. A fair market value will be determined and the equipment sold to another fire department. The proceeds, in excess of the remaining indebtedness will be returned to the borrowing fire department officials. A bill of sale will be issued when payment is received.

Up to thirty percent (30%) of the funding level of the revolving fund shall be held back to purchase the necessary mechanical parts needed for conversion of vehicles. These funds shall also be used to purchase the fire fighting apparatus and other approved fire equipment purchased by the borrowing fire departments.

- b. Application and Vehicle Assignment - Application forms and priority rating sheets (see Annex U, Exhibits 1 and 2, respectively) are available at all Commission District and Work Center Offices, as well as the State Office.

Applicants will submit to the Rural Fire Administrator, the application form and the priority rating sheet. Upon review of these forms by the Rural Fire Administrator, qualifying applicants will be assigned a vehicle according to date received. Multiple applications received on the same date will be grouped according to value at risk and present capability.

- c. Fire Planning - Applicants must have a written fire plan setting out the area of operations, method of financing, development goals, and plan of action that is satisfactory to the Commission, prior to receiving a vehicle."

Section 9. Section IV of the Rules of the Arkansas Forestry Commission is hereby amended to delete the unnumbered paragraph of sub-section (G) entitled "Regulatory Services: which currently are as follows:

"As per Act 1090 of 1985, "The type and color of the paint to be used for posting shall be prescribed by the State Forestry Commission. The Commission shall not select a color that is presently being used by the timber industry in Arkansas to mark land lines or property lines." In compliance with the mandates of Act

~~1090 the State Forestry Commission hereby prescribes that the paint to be used~~  
for posting lands as authorized in Act 1090 shall be a purple, semi-paste, tree  
marking paint which meets or exceeds the following formula specifications and  
conform to the color standard specified:

Type Paint: Only paint that meets or exceeds the following formulation  
will be approved:

|   |              |        |
|---|--------------|--------|
| Pigment   |              | 62.6%  |
| Titanium dioxide                                | 22.2%        |        |
| Calcium carbonate                               | <u>77.8%</u> |        |
|   | 100.0%       |        |
| Vehicle   |              | 37.4%  |
| Oleoresinus vehicle                             | 47.2%        |        |
| Petroleum solvents                              | 45.4%        |        |
| Driers, wetting agents<br>and tinting materials | <u>7.4%</u>  |        |
|   | 100.0%       | 100.0% |

Paint Color: The State Forestry Commission has selected a purple as the  
only color standard acceptable to the Commission. A color sample of this  
purple is available from the Forestry Commission upon request."

Section 10. Section IV of the Rules of the Arkansas Forestry Commission  
is further amended to restate all (3) paragraphs of sub-section (G) entitled  
"Regulatory Services" as follows:

"As per Act 1090 of 1985 and amended by Act 35 of 1989, "The type and color of  
the paint to be used for posting shall be prescribed by the State Forestry  
Commission. The Commission shall not select a color that is presently being used  
by the timber industry in Arkansas to mark land lines or property lines." In  
compliance with the mandates of this Act the State Forestry Commission hereby  
prescribes that the paint to be used for posting lands as authorized in this Act  
shall be a purple, semi-paste, tree marking paint which meets or exceeds the  
following formula specifications and conform to the color standard specified:

Type Paint: Only paint that meets or exceeds the following formulation will  
be approved:

|   |              |        |
|---|--------------|--------|
| Pigment   |              | 62.6%  |
| Titanium dioxide                                | 22.2%        |        |
| Calcium carbonate                               | <u>77.8%</u> |        |
|   | 100.0%       |        |
| Vehicle   |              | 37.4%  |
| Oleoresinus vehicle                             | 47.2%        |        |
| Petroleum solvents                              | 45.4%        |        |
| Driers, wetting agents<br>and tinting materials | <u>7.4%</u>  |        |
|   | 100.0%       | 100.0% |

Arkansas Forestry Commission  
August 7, 1992  
Edwin E. Waddell, State Forester

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Paint Color: The State Forestry Commission has selected a purple as the only color standard acceptable to the Commission. A color sample of this purple is available from the Forestry Commission upon request."

IT IS ORDERED, that said amendments to the Rules of the Arkansas Forestry Commission, shall be and the same shall become effective on October 1, 1992, as a result of this Order and filing in compliance with Act 434 of 1967, as amended.

Signed James Bibler  
James Bibler, Chairman

Edwin E. Waddell  
Edwin E. Waddell, State Forester/  
Secretary

STATE OF ARKANSAS)  
)  
COUNTY OF PULASKI)

Subscribed and sworn to before me this 7th day of August, 1992.

Edge P. Green  
Notary Public

(SEAL)

My Commission Expires: July 20, 2000.