

**Regulatory Impact Analysis  
NC Search and Rescue System  
Proposed by Agency: July 2022**

**Agency Name:** Department of Public Safety / Division of Emergency Management

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**Rules proposed for adoption:** Rule 14B NCAC 03.0401  
Rule 14B NCAC 03.0402  
Rule 14B NCAC 03.0403  
Rule 14B NCAC 03.0404  
Rule 14B NCAC 03.0405  
Rule 14B NCAC 03.0406  
Rule 14B NCAC 03.0407  
Rule 14B NCAC 03.0408  
Rule 14B NCAC 03.0409  
Rule 14B NCAC 03.0410

**State Impact:** Yes

**Local Impact:** Yes

**Substantial Economic Impact:** Yes

**Authorizing Statutes: G.S. 166A-66; 166A-67; 166A-27**

**Statement of Necessity:**

The Department of Public Safety, Division of Emergency Management is promulgating permanent rules as required under N.C. Sess. Law 2014-27. The necessity of a State Search and Rescue Program has been made apparent through the significant number of local, state, and federal states of emergency that has required coordinated and qualified resources to augment local search and rescue capabilities. N.C. Sess. Law 2021-180 finally secured the funding to implement Article 6 of NCGS 166A. Rules are required under general statute to ensure an equitable implementation of the NC Search and Rescue Program. The NC Search and Rescue Program is a partnership between local and state governments where the state augments local response capabilities to enhance disaster response capabilities. These rules establish standards for eligibility, resource types, and response expectations both administratively as well as operationally when responding under the authorities of the NC Search and Rescue Program. The rules of this section only apply to those entities who elect to participate in the program and

establish the standards and requirements of program participation as well as the expectations on the NC Division of Emergency Management in administration of this program.

**Rule Text: Attached as Appendix 1**

**Background Information**

After the September 11<sup>th</sup>, 2001, Terror Attacks the Division of Emergency Management utilized federal preparedness grant dollars to build and maintain a regionally based all hazards search and rescue program. Starting in 2012, North Carolina began to receive significantly less federal preparedness grants to maintain the robust search and rescue resources that were developed to respond to and recover from local and state disasters. N.C. Sess. Law 2014-27 established the NC Search and Rescue Program because of the decrease in funds but was unfortunately not funded at the time. Sess. Law 2021-180 provided reoccurring funds to fund the NC Search and Rescue Program in partnership with local units of government to augment local search and rescue capabilities across the State.

The NC Search and Rescue Program has always been a partnership between local and state governments where the state augmented existing local capabilities to enhance response capabilities and ensure resources are available to deploy outside of their home jurisdictions to assist other jurisdictions when they were not impacted locally from the same disaster. The Division of Emergency Management is the lead state coordinating agency and has partnered with various other state and local agencies to augment search and rescue capability across the State. Reoccurring state funds are provided to offset some local expenses and to enhance local, organic response capability. This symbiotic relationship ensures disaster response capability while being fiscally responsible. Participation in the NC Search and Rescue Program is completely voluntary for local units of government and does not prevent local authority having jurisdictions from maintaining local response capabilities nor responding under their local authorities and agreements. Participation in the program can benefit local response resources through additional access to highly specialized training and equipment. The program is not intended to build response capability from the ground up but merely augment existing capability to ensure its readiness to respond outside of its own jurisdiction to support other local governments who need additional response resources to address an unmet need in a disaster or emergency.

The Division of Emergency Management is seeking to adopt rules to ensure clarity and equitable application of state funds in support of this program. The rules seek to further clarify the purpose, intent, and application of Article 6 of NCGS 166A. Most directly, the rules address the definition of local units of government as to eligibility in participation in the program that has already been the subject of litigation as well as the process to become a program participant. Finally, the rules seek to establish broader program requirements as well as established equitable standards that can be enforced by the Division of Emergency Management to ensure the purpose and intent of the program is sustained to address disaster response needs for the State as it relates to search and rescue.

The proposed rules apply only to entities who are participating in the NC Search and Rescue Program and when they are responding under the authorities of Article 6 of NCGS 166A. The rules as proposed do not impact an entity's ability to function independent of any rules of this section when operating as a resource under their existing authorities and agreements of a local, state, or federal authority having jurisdiction. NC Division of Emergency Management is not an authority having jurisdiction but a coordinating entity who establishes standards for participation in a coordinated state search and rescue program to address response gaps when local organic response capabilities are overwhelmed.

### **Proposed Rule Additions and Impacts:**

The proposed rule additions include the following:

1. Rule 14B NCAC 03.0401

This rule establishes the purpose of this Chapter and establishes the entities or persons that are subject to the rules applicable to the North Carolina Search and Rescue Program. This rule clarifies that this subsection only applies to those local and state agencies who elect to participate in the program administered by the North Carolina Division of Emergency Management.

2. Rule 14B NCAC 03.0402

This rule provides necessary definitions for terms used in the Chapter.

3. Rule 14B NCAC 03.0403

This rule establishes the procedures for the dispatch of participating resources in the North Carolina Search and Rescue Program. This rule clarifies what program resources may respond to, when responding under this program who they answer to, as well as who can request program resources. The rule established the local emergency management office as the local requesting authority. This is to ensure local resources are insufficient prior to activating state resources. The local emergency management coordinator is responsible for local level disaster and emergency coordination and serves as the access point for local responders to request program resources. The local emergency management coordinator or their designee will validate any request to ensure it is beyond local capabilities prior to requesting state resources. Additionally, this rule provides two methods for deploying program resources. This rule establishes administrative process for the activation of participating resources under the program and codifies expectations that emergencies or disasters trigger local response actions first. State and/or Federal resources are only brought in to augment local capability. This is a core aspect of the Federal Emergency Management Agency's National Response Framework and is an established practice that is being codified for clarity and completeness. The only additional requirement codified by this rule is for local emergency management coordinators to validate local needs and request program resources when necessary. This expectation on local emergency management programs was established for a broader purpose under NCGS § 166A-19.15; as a result, the impact of this rule is minimal.

#### 4. Rule 14B NCAC 03.0404

This rule establishes the standards for participating resources for on-site operations during response activities under the program. This rule clarifies how system resources will integrate with local, state, and/or federal response resources, integrate with ongoing law enforcement operations, as well as establish a standard of care related to sensitive response information. The core of the rule is to codify the adherence to Federal Emergency Management Agency standards, but these standards are already requirements for all public and private entities who seek federal preparedness dollars. These standards have become the basis of response across the country and have no specific impact directly from being included in rule as they are already external national response standards. Additionally, this rule codifies the expectation of coordination with law enforcement agencies in instances where response may be in support of a potential criminal investigation.

Search and rescue operations closely coordinating with law enforcement authorities is a general expectation across the search and rescue community. As a result of this, the impact of this rule is minor as it is merely codifying an existing expectation within the search and rescue community to enable enforcement if an issue with program resources coordinating with law enforcement was identified. Similarly, section (0404)(d) codifies the expectation of participating entities to not directly release sensitive information to the media or public independent to the authorities they are supporting. This is an expectation of any professional organization and is a general expectation of the search and rescue community at large. Experience would suggest the inappropriate release of sensitive information would be something that could occur very infrequently due to the professional nature of those who are participating in the program. Finally, it should be made clear that application of these rules only applies to the resources who are deploying as a program resource. The rule does not impact the authority of local and state resources who deploy under their own authorities or agreements.

#### 5. Rule 14B NCAC 03.0405

This rule establishes the standards for administration of system resources. The rule clarifies record requirements for personnel management, timeline for providing documentation for reimbursement of eligible response costs, as well as the requirement for all persons to be always on duty when they are participating in program activities. The rules establish what records must be maintained by program resources to ensure accountability. Records managed as a result of this program will be done through an electronic system maintained by the North Carolina Division of Emergency Management. Most records maintained by a resource would be necessary regardless of their participation in this program. Any additional time would be as a result of ensuring the accuracy of their roster and baseline training records in the electronic database known as the NC Training, Exercise, Response Management System (NCTERMS). Based on experience, it would be reasonable to expect a resource to spend approximately one to two hours a month for smaller teams to as much as six hours a month for larger teams on records management as a result of participation in this program. As personnel complete specialized training, the NC TERMS system automatically records the training and credentials for personnel into this electronic system of record as well as provides reports to team and program

management for analysis of any training or personnel deficiencies. This significantly reduces the administrative burden on all personnel involved.

This rule codifies existing expectations that to participate in program activities you must be affiliated with an organization and participating through that organization. There is an administrative burden on resources to maintain the required documentation under this rule; however, the impact of this rule is minimal as resources are already having to maintain these records as a general expectation within the community for daily response operations outside of this program.

#### 6. Rule 14B NCAC 03.0406

This rule establishes the procedures for the State of North Carolina to recover response costs of program resources in cases of negligence or manmade disaster or emergencies through billing the responsible party. For responses to natural disasters, the costs are covered by the State Disaster and Emergency Reserve Fund. It is very infrequent for system resources to respond to events due to negligence or manmade disaster, and in most cases these responses are covered by the responsible party's insurance. In the rare event that a NC DEM does seek to recover response costs, we estimate that the costs could range from approximately \$1,000 to \$150,000 per day per team deployed to the responsible party depending on the resources required in the incident. An average response mission would last from four to seven days total. Incident responses have historically averaged approximately \$500 per day per person. These costs are estimated by staff experience from previous responses to disasters. Smaller teams are more likely to rely more heavily on volunteers and so costs for smaller teams have historically been lower per person as a result.

Finally, this rule establishes the standards to calculate eligible expenses to be recovered. The Federal Emergency Management Agency's Public Assistance guidelines are a national standard for calculating and reimbursing expenses for emergency protective measures during a disaster. The purpose of this rule is to codify this as the standard methodology for calculating eligible expenses for this program in rule. The impact of this rule on program resources are minimal as the NC Division of Emergency Management already utilizes the public assistance as the basis for reimbursement eligibility. This rule merely codifies this existing practice within the program.

#### 7. Rule 14B NCAC 03.0407

This rule establishes the standards for eligibility to participate in the program for interested organizations as well as the procedures for organizations to submit a bid as a contract response team or to enter into an agreement as a specialty rescue team. The effect of eligibility is to define what a local unit of government is for the purposes of this program as outlined in the statute. Statute limits participation to local units of government as the purpose of this program is to augment existing capabilities, not to build standalone resources for state use. This methodology has been consistent since the beginning of the search and rescue program due to the limited funds to execute the program.

The impact to organizations interested in becoming affiliated with the program is primarily time to complete the program documentation to become a contract or specialty rescue team. The largest burden will be for contract response teams that could be expected to spend up to 40 hours on developing a bid per 4-year contract period. The largest amount of this time will be in developing a response plan to include response agreements with any participating organization that maybe supporting their bid. Additionally, specialty response teams could be expected to spend four to eight hours compiling the information required for program participation. The work to complete the required documentation for potential program participation would most likely be completed by organizational leadership from the various response organizations seeking to participate in the program. We do not expect the administrative burden on teams would require any contract resources for the purposes of local units of government completing the required documentation. All the time estimates provided are based on staff expertise from management of similar bid processes for response agreements. However, the time invested should return the organization access to specialized training and equipment to help strengthen their local program in addition to the experience gained from responding across the state.

#### 8. Rule 14B NCAC 03.0408

This rule establishes the criteria for evaluating bids for program participation by interested parties as well as what bidding entities must provide as part of their bid package. The rule establishes that bids must be evaluated with a predefined criteria and consistent with 2 CFR Part 200. This practice is also consistent with the state purchasing process and is essential to ensure eligibility of disaster costs during federal disaster declarations.

The primary cost of this rule is time on the part of the bidding entities to prepare a response to a bid opportunity as well as the time for the State to evaluate all completed bid packages. We would expect the State would require approximately 48 hours of collective staff time each 4-year contract period reviewing bids and documentation from parties interested in the program. This time would be a duty of existing personnel at the NC Division of Emergency Management. All the time estimates provided are based on staff expertise from management of similar bid processes for response agreements.

#### 9. Rule 14B NCAC 03.0409

This rule establishes the standards for personnel, training, and equipment for contract and specialty response teams. The requirements outlined in this section are consistent with national standards and general expectations of a professional search and rescue resource. The requirements are consistent with the FEMA Resource Typing documents that are a component of the National Incident Management System (NIMS). Adopting NIMS is a requirement of any agency that wants to receive federal preparedness dollars. In our experience, it is exceedingly rare for organizations to defer eligibility of federal preparedness dollars; as such, response organizations are generally already complying with NIMS. For this reason, we expect the impact of this rule to be minimal.

This rule additionally requires resources to ensure personnel are trained and meet the qualifications or good character as outlined in this rule. This again is an existing requirement of

any professional response organization. Finally, this rule establishes the required equipment for each search and rescue program and that it be maintained in a deployment ready status. The specific equipment is again consistent with federal resource typing standards and the equipment readiness standards are an existing requirement of any professional response resource.

#### 10. Rule 14B NCAC 03.0410

This rule establishes the standards for auditing and reporting audit finding, corrective actions, and the due process to enforce violations of standards. The purpose of the auditing is to ensure that resources remain accountable to their agreements as well as their commitment to maintain the capability to respond when needed. The rule requires the NC Division of Emergency Management to audit teams no less than every three years and draft compliance reports. Funds for the search and rescue program are covering two FTEs as well as several parttime staff that will be required to implement this rule. The primary cost of this rule is time; however, some travel costs will also be incurred. Based on program history, we anticipate approximately seven contract response teams and approximately 77 specialty rescue teams will participate in the proposed program. We estimate that each audit should take approximately four hours to complete with 28 teams audited per year. Each audit we expect to require two personnel that equates to 14 travel days per year at the state mileage and per diem rates with the average mileage driven approximately 100 miles per person, per team. The annual appropriations for search and rescue will cover these costs.

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### **Impact Summary:**

#### **Benefits**

The North Carolina Search and Rescue System was established in 2003 in North Carolina in response to natural and manmade disasters that had impacted the State. North Carolina Emergency Management as well as other local and state response partners identified a need for an organized and standardized state search and rescue system to augment local response efforts when they need additional response resources. The program was initially funded through federal preparedness dollars as well as one-time appropriation from the State of North Carolina.

The benefits of a state coordinated search and rescue system was made evident quickly in the response to Hurricanes Francis, Ivan, and Jeanne in western North Carolina in 2004. Over time this program continued to prove its return on investment through saving lives and property across various events natural and manmade that have impacted the State. The program finally received \$2m reoccurring appropriations in 2021 to ensure sustainability of the search and rescue program with the decline in federal grant dollars.

The benefits of a structured, state coordinated search and rescue program is to address the gap when local response resources are overwhelmed requiring additional specialized resources to address the disaster or emergency. While difficult to quantify the many benefits of a state coordinated search and rescue program, it is reasonable to expect the benefits will be greater than the costs. This is especially true as this is a voluntary program and the long history of local

governments participating in this type of program suggests they have found the benefits to exceed the costs.

Additionally, during large scale responses, search and rescue resources become scarce resources that must be managed closely. Through a state coordinated program, entities who wish to deploy on behalf of the state will be better prepared to work together using a standardized response to ensure maximum efficiency of resources and interoperability across the State.

We anticipate approximately seven contract response teams and 77 specialty rescue teams across this voluntary program based on historical numbers of organizations that are interested in participating. We expect larger organizations may not see as much benefit as smaller organizations as they may already maintain some of the specialized capabilities due to their own risks and local resource requirements. If a local agency has a desire to build specialized response capability, participation in this program could offset some of their own costs in building and maintaining that capability. Most directly, local governments could benefit from the training costs covered as part of this program. While we do not anticipate the program will cover all training costs, we do anticipate course delivery costs will be covered as well as some travel costs for specialized response training. Additionally, contract response teams will receive approximately \$32,000 per year per team to help offset local training costs. We expect the organizations that decide to participate either as a sponsoring or participating agency will see benefits to their organization outside of just search and rescue as the network of responders will be better positioned to share best practices across all responses in North Carolina. Obviously, these secondary benefits are very difficult to quantify but we believe they exist based on past experiences with similar programs.

The North Carolina Search and Rescue System has increased responder safety through an increased accessibility of highly specialized training and equipment. Additionally, the system has been credited with saving thousands of lives across various disaster responses since its inception.

State and local search and rescue responders benefit from highly specialized training made available through the State Search and Rescue Program. Training delivered to responders is designed to address capability gaps and prepare resources to deploy outside of their jurisdiction. The information gained through the highly specialized training also enhances their local capabilities through more advanced training. Furthermore, through the State Search and Rescue Program, agencies can access specialized equipment and personnel to further enhance their response capabilities. The increase in capabilities across the state result in a significant return on investment for addressing the local and state response requirements. Without coordinated search and rescue resources the State would have to rely on other state and federal resources on a routine basis to fill response gaps during disasters. By having resources organically available to the State that reduces expenses during large scale disasters. Furthermore, as the program builds additional local capability, we would expect the local units of government that are participating to not require outside resources as much as their own local capability would be enhanced to handle more incidents locally. Additionally, through focusing on regional capability, the program can save significant local funds through reducing the duplication of effort of each jurisdiction



building their own specialized response resources as they can access regional resources to address unmet needs when required.

## **Costs**

### **1. Department of Public Safety / Division of Emergency Management**

The Division of Emergency Management incurs a recurring annual cost of \$159,718.32 to maintain two full time employees to administer the program. Additionally, the agency incurs a recurring annual cost of approximately \$60,000.00 to maintain four part time employees through temporary solutions to administer the program. The primary opportunity costs to the division are time of personnel in supporting training, purchasing equipment, and auditing team. The annual appropriation of \$2 million allows the division to fund the activities of this program.

### **2. Training Costs**

Local and state response resources do have to absorb some training costs for resources who are participating in the program. Local agencies will be responsible for direct training costs such as the travel and overtime costs associated with their responders attending specialized response training in addition to the time it takes to attend training courses. Additionally, agencies will be responsible for some opportunity costs associated with additional time in meeting prerequisite requirements to attend specialized training courses. While many of these courses are available through the NC Office of State Fire Marshal and the NC Community College System, some training may require local responders to attend specialized training that is not paid for by the NC Community College System. The training courses provided by the NC Community College System are generally for most training requirements for public safety resources in this state. This program should not affect those requirements or deliveries by the community college system as they are already providing this service at no cost to the responders or response organizations across the state. The largest requirement for very specialized training is for contract response teams and approximately \$32,000 will be provided annually per team from appropriations to these teams to offset local training costs. Specialty rescue teams will also have some direct training costs, but these costs are significantly less than contract response teams. The program will provide some specialty training at no cost to program resources, but local organizations will still be responsible for anything not covered by the program such as personnel costs. It would be reasonable to estimate based on professional experience that an agency would incur approximately \$100-\$750 per person per day to send personnel to a training course outside of the course delivery costs. These costs are primarily overtime an agency incurs by sending on duty personnel to train as well as costs to pay that person's replacement for the day. The program has teams of various sizes ranging from around a dozen members to well over 150 members. The training required is consistent with national resource standards.

The Division of Emergency Management will also incur some training expenses in direct support of providing training to search and rescue teams. Primarily these will come as direct costs of paying instructors, course lodging, and logistical supplies needed for training. It is reasonable to estimate the state costs will be approximately \$450,000 annually for direct training support. These costs will be covered by the annual state search and rescue appropriations. The direct training support includes highly specialized training courses such as structural collapse technician, swiftwater/flood boat operator, helicopter rescue training as well as many other specialized courses. The Division of Emergency Management anticipates approximately 28 specialized courses annually that would be delivered to program responders. The \$450,000 will cover the delivery costs of these courses. These courses are highly specialized response training to fill in gaps from what is currently available for organizations to train their personnel. The organizations will be responsible for their own personnel costs, but the contract response teams, who have the largest burden specialized training will receive approximately \$32,000 annually per team to help offset the local training costs to send personnel to these trainings.

### **3. Equipment Costs**

Local agencies will incur some equipment costs as part of participation in this program. Most of these costs would be costs they would incur to some extent because of maintaining baseline local response capability in the specific search and rescue discipline. The exception would be some of the specific logistical considerations that would be required to be self-sufficient for 72 hours. This would primarily be in water, food, and fuel, but also could include some vehicles and shelter. This cost would vary greatly by team but could range from several hundred dollars annually to approximately \$40,000 annually. This cost would be greatest for the urban search and rescue teams as their cache has the most extensive list of equipment that would go beyond what you might expect a local response resource to maintain. For the urban search and rescue teams approximately \$30,000 annually per team will be provided to offset equipment maintenance costs from the annual search and rescue appropriations. Additionally, program resources would have indirect costs of the time required for personnel to maintain equipment, conduct inventories, and ensure the readiness of the equipment cache.

The Division of Emergency Management will also incur some equipment costs supporting the search and rescue program. Primarily the State will be responsible for insurance of state provided equipment as well as equipment required to execute the program. The insurance costs are estimated at \$10,000 annually and will be covered by the annual appropriations. Additionally, the State will maintain a small cache of training equipment as well as purchase some equipment to augment the costs to local agencies in program participation. The program is budgeting annually approximately \$450,000 for replacement of program equipment as well as approximately \$150,000 annually to directly pay for services for state issued equipment such as satellite communications equipment as well as mobile data devices used in resource tracking and data collection. These costs will be covered by the annual state appropriations for the search and rescue program.

#### **4. Administrative Costs**

The contract response teams will likely have some additional administrative costs as a result of participating in this program. We estimate that these costs will be approximately \$100,000 per team per year. These costs will be primarily around administrative support to schedule personnel as well as maintaining program documentation. Contract response teams will be eligible to receive up to \$32,000 per year per team to help offset these costs. Additionally, specialty rescue teams will likely have some administrative costs. We expect these costs to be approximately \$500 to \$2,500 per year to schedule personnel as well as maintain program documentation.

#### **5. State Disaster Reserve Fund Costs**

The State will likely incur a significant cost for reimbursement of State Missions. These costs vary from a few thousand dollars to potentially over \$1 million for a mission depending on mission duration and size of the team. These costs are covered by the State Disaster Reserve Fund as outlined in GS 166a. The program appropriations cover supporting the maintenance of search and rescue capability but is not able to directly fund response costs. For federally declared disasters the State would be eligible for reimbursement for some portion eligible costs as emergency protective measures under the Federal Emergency Management Agency's Public Assistance Program. Generally, this program reimburses up to 75% of costs but this percentage can be increased up to 100% for catastrophic disasters.

#### **6. Uncertainty**

It should be noted there is a degree of uncertainty with the above figures as this program is meant to augment local search and rescue capability and does not build capability from the ground up. The focus of this program and the associated appropriations are to building regional all-hazards response capability by building on local organic search and rescue capabilities. Under this construct, local agencies would incur some costs as a condition of maintaining a local response resource as well as some costs for participating in the State program. From a local perspective participation in the program is completely voluntary; however, resources are expected to see significant return on their investment with access to specialized response training and equipment. How much costs a resource would incur from participation as well as how much benefit they would gain would depend on the specific type of resource they are as well as what organic capability they maintained prior to joining the program.

Volunteers also play a great factor in the uncertainty of program costs. The above assumptions on personnel costs were made in a worst-case scenario that all personnel were paid. This would then mean their overtime and any required backfill personnel during training events were being absorbed by the local agency for participation in the program. Many agencies rely in whole or in part on volunteer responders. These unpaid responders will save considerable costs for a team who utilizes volunteers.

Finally, there is an uncertainty to the number of program responses or what specialized capability might be required in the future to address new or emerging hazards in the state in addition to the uncertainty as to the number of teams. While we expect approximately 84 teams to participate in the program based on historical interest of current teams that participate in the program, the exact program participation remains uncertain. Additionally, as time progresses, we expect some costs to increase due to rising materials and personnel costs. Additionally, over time emergency response has seen a significant reduction of volunteers willing to perform emergency response functions. This could further impact the uncertainty of change in future costs.

## 7. Summary of Expected Costs

**Table 1: State Costs**

<b>Cost Category</b>	<b>Costs*</b> *All costs are recurring annually and come from Search and Rescue appropriations unless otherwise stated.	<b>Notes</b>
Personnel – salary for 2 FTEs and 4 temps	\$220,000	2 FTEs are current positions with NC DEM.
Offset local program equipment cost	\$210,000	Per year total across 7 contract response teams or \$30,000 per team per year.
Offset local program training cost	\$224,000	Per year total across 7 contract response teams or \$32,000 per team per year.
Offset local program administration cost	\$224,000	Per year total across 7 contract response teams or \$32,000 per team per year.
Opportunity cost (time) to review bids	Time	16 hours of work per 4-year contract period by 3 personnel = 48 hours total.

Opportunity cost (time) to conduct audits	Time	We expect approximately 84 total teams (7 contract response, 77 specialty rescue teams). Each audit should take approximately 4 hours with 28 teams audited per year. This equates to 112 hours per year (14 days). Auditing teams could have up to two personnel for a total maximum of 28 days per year (14 hrs per staff x 2 staff) We expect to use temporary employees to reduce costs.
Travel to conduct audits	\$4,656.40	Per diem for 2 personnel at \$41.30 per day to travel 14 days per year or \$1,156.40 total. Additionally, reimbursement of mileage at state rates for a total 100 miles, per person, per team with two teams per day. That should equate to 5,600 miles annually at 0.625 per mile or \$3,500 per year. \$1,156.40 per year in per diem plus \$3,500 in mileage equals \$4,656.40 total travel costs per year.
Training course delivery	\$450,000	Approximately 28 direct delivery training courses per year at approximately \$16,000 per training.
Equipment insurance	\$10,000	Insure state owned equipment.
Equipment purchases and maintenance	\$450,000	Capital equipment replacement annually across all programs.
Services (satellite, cell)	\$150,000	Annual communications services costs.

<p><b>Total Annual Costs from Search and Rescue Appropriations</b></p>	<p><b>\$1,942,656 per year</b></p>	<p>Plus the estimated maximum opportunity cost (time) of approximately 34 staff days to review bids and conduct audits. Additional time will be required by staff to conduct trainings. We did not monetize opportunity cost because the actual cost has already been accounted for as personnel costs.</p>
<p><b>Reimbursement of State Missions*</b> <i>*paid from State Disaster Reserve Fund</i></p>	<p><b>\$3,000 to \$1,000,000 per year, depending on mission duration and size of team.</b></p>	<p>Mission duration is highly variable and unpredictable; as such, these costs could not be further quantified. These costs are covered by the State Disaster Reserve Fund as outlined in GS 166a. The State may be reimbursed by FEMA for a significant portion of these costs for federally declared disasters.</p>

**Table 2: Local government costs**

<p><b>Cost Category</b></p>	<p><b>Costs*</b> *All costs are recurring annually and come from Search and Rescue appropriations unless otherwise stated.</p>	<p><b>Notes</b></p>
<p>Administrative costs</p>	<p>Contract Response Teams: approximately \$100,000 per year per team x 7 teams = \$700,000 total cost; of this amount, \$32,000 per year per team (total \$224,000) would be reimbursed from the Search and Rescue appropriations.</p> <p>Specialty Rescue Teams: approximately \$500 to \$2,500 per team x 77 teams = \$38,500 to \$192,500 total cost per year, depending on size of team.</p>	<p>This cost would primarily be in personnel costs for administrative functions specific to this program as well as maintaining space for specialty response equipment.</p> <p>Contract response teams would receive \$32,000 per team per year to offset administrative costs as part of the contract.</p> <p>Both team types would be required to conduct inventory of state-owned equipment, complete and update personnel rosters, and maintain agreements with any supporting agencies. These requirements and costs would be specific to participation in this program.</p>
<p>Equipment maintenance costs</p>	<p>Contract Response Teams: Approximately \$30,000-\$40,000 per team per year x 7 teams = \$210,000 to \$280,000 total cost; of this amount, \$30,000 per year per team (total \$210,000) would be reimbursed from the Search and Rescue appropriations.</p> <p>Specialty rescue teams: approximately \$500 to \$2,500 per team x 77 teams = \$38,500 to \$192,500 total cost</p>	<p>Costs for both team types would be in annual preventative maintenance and repair of required equipment.</p> <p>Contract response teams would receive \$30,000 per team per year to offset equipment maintenance costs as part of the contract</p>

	<p>per year, depending on the size of team.</p>	
<p>Specialized Response Training</p>	<p>Contract Response Teams:  Approximately \$37,500 to \$135,000 per year per team x 7 teams = \$262,500 to \$945,000 total cost, depending on size of team and cost of training; of this amount, up to \$32,000 per year per team (total \$224,000) would be reimbursed from the Search and Rescue appropriations.</p> <p>Specialty rescue teams:  Approximately \$2,500 to \$30,000 per year per team x 77 teams = \$192,500 to \$2,310,000 total cost, depending on size of team and cost of training.</p>	<p>Assume:  - 15 training days per year for contract response teams and 5 training days per year beyond local requirements for specialty rescue teams;</p> <p>contract response teams: \$500-\$750 per day range;  specialty rescue teams: \$100-500 range per person per day;</p> <p>5 to 12 people on each team attend training each year.</p> <p>Contract Response Teams:  Lower range: 5 people x \$500/day x 15 days = \$37,500 per team;  Upper range: 12 people x \$750/day x 15 days = \$135,000 per team;</p> <p>Specialty Rescue Teams:  Lower range: 5 people x \$100/day x 5 days = \$2,500 per team;  Upper range: 12 people x \$500/day x 5 days = \$30,000 per team</p> <p>Each contract response team would receive up to \$32,000 per year to offset these costs.</p>



**Total Local Government Costs**

**Contract Response Teams:**

**\$1,172,500 to \$1,925,000 total (\$167,500 to \$275,000 per team), depending on size of team.** \$94,000 of these costs would be reimbursable from the Search and Rescue appropriations.

**Specialty rescue teams:**

**\$269,500 to \$2,695,000 total (\$3,500 to \$35,000 per team), depending on size of team.** Some of these costs could be reimbursed from the State Disaster Reserve Fund if they are State Missions. The heavy use of volunteer responders in the specialty rescue teams should result in costs on the lower end of this range.

Grand Total:  
**\$1,442,000 to \$4,620,000 per year; of this amount, \$658,000 is reimbursable from Search and Rescue appropriations; an additional amount estimated between \$3,000 to \$1,000,000 may be reimbursable from the State Disaster Reserve Fund.**

These totals do not include potential **response cost recovery** for manmade disasters/negligence as these costs are highly unpredictable and unlikely to occur. Also, costs associated with such events would typically be covered by a responsible party's insurance.

Additional costs associated with **mission deployment** are possible. These estimated costs would be between \$3,000 to \$1,000,000, depending on mission duration and size of team. A significant portion of these costs would be reimbursed from the State Disaster Reserve Fund for State missions. These cost estimates are not included in the totals because it is impossible to predict if/when deployment would occur.

**8. Alternatives to the Proposed Rules**

Alternative 1 – Alternative program construct using block grants. This alternative would likely rely on block grants to search and rescue organizations in the state to provide some capability without direct support or oversight of the resources. While this would still accomplish distribution of appropriated funds, it would do so without the coordination between the various partner agencies at the local, state, and federal level. Block grants

could impact program efficiencies by not allowing for variation of funding year to year on various aspects of the program based on the most pressing needs across the entirety of the search and rescue program. Additionally, there could be a loss in the equitable delivery of services because of the limited oversight of grant recipients. Furthermore, this construct would come at the cost of program standardization that ensures during large responses resources can come together with similar training and equipment. This alternative was rejected due to the lack of efficiency in program management that could significantly impact the quality of service statewide based on the lack of direct program management. Additionally, some specialty areas do not have representative professional associations that are positioned to manage block grants to build regional capacity across the State. This lack of direct program management would have significant impacts to the delivery of services from the direct management of a State coordinated search and rescue program. This alternative was rejected as we believe block grants will not allow for equitable management of the program to ensure statewide coverage of specialized search and rescue resources that maintain interoperability across the program.

Alternative 2 – Alternative program construct limiting program scope. This alternative would rely on a state managed search and rescue program but would limit the scope of the program to only contract response teams. This would further limit the impact to state and local organizations by limiting the overall scope of the state search and rescue program. This alternative would come at the cost of ensuring all hazards response capabilities across the search and rescue enterprise in North Carolina. History has demonstrated that specialized response teams also play a critical role in emergency response preparedness in the State and that seven regional search and rescue teams are not sufficient to cover all the specialized response requirements across the State. While limiting the impact of the program we would also be significantly limiting the response capability required to effectively respond to hazards across the State. This alternative was rejected as we believe a single unified search and rescue system that incorporates a more comprehensive approach across all the disciplines better support historical needs and leverage efficiencies through coordination and collaboration across a broader group of stakeholders.

## **9. Summary of Impacts**

The total estimated quantified impact of the proposed rules to the State is \$1,942,656 per year for personnel, travel, training course delivery, insurance, equipment maintenance, services, and to offset local government costs for equipment, training, and administration. These costs will be covered by Search and Rescue appropriations. Additional impacts to the State of between \$3,000 and \$1,000,000 per year may occur depending on the duration and team sizes for any State Missions. These additional costs would be covered by the State Disaster Reserve Fund. The State may be reimbursed by FEMA for some of those costs.

The estimated quantified impact to local governments is between \$1,172,500 to \$1,925,000 per year for the 7 Contract Response Teams and between \$269,500 to \$2,695,000 per year for the 77 Specialty Rescue Teams, depending on the size of the team and training costs. The total local government impact is estimated to be between \$1,442,000 to \$4,620,000 per year. Costs will likely be on the lower end of the ranges depending on volunteer use. Contract Response Teams will be reimbursed by the State \$658,000 per year (\$94,000 per Team) to help offset local program costs. Some portion of the costs to Specialty Rescue Teams may be reimbursed for State Missions.

Additional potential costs that were not quantified include costs to local governments associated with resource recovery due to manmade disasters/negligence. These types of events are rare; as such, these costs are unlikely to occur. We also estimated an opportunity cost (time) to the State of up to 34 staff days to review bids and conduct audits. Additional time will be required by staff to conduct trainings. We did not monetize opportunity cost because the actual cost has already been accounted for as personnel costs.

There are expected to be significant benefits in the form of saved lives and protection of property from having a state coordinated search and rescue program. The program will address a gap when local response resources are overwhelmed and could benefit from specialized resources. While difficult to quantify the many benefits of a state coordinated search and rescue program, it is reasonable to expect the benefits will be greater than the costs. This is especially true as this is a voluntary program and the long history of local governments participating in this type of program suggests they have found the benefits to exceed the costs.

1 14B NCAC 03 .0401 is proposed for adoption as follows:

2

3 **14B NCAC 03 .0401 PURPOSE**

4 (a) The purpose of this section is to prescribe requirements pertaining to the North Carolina Department of Public  
5 Safety Division of Emergency Management administered North Carolina Search and Rescue Program.

6 (b) This section applies to Sponsoring Agencies and other participants in the North Carolina Search and Rescue  
7 Program that have executed agreements administered by the North Carolina Division of Emergency Management.

8

9 *Authority GS 166A-66*

1 14B NCAC 03 .0402 is proposed for adoption as follows:

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

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

- 5 (1) All-hazards Disaster Response Model – a response methodology where resources provide all  
6 applicable capability to respond to any threats or hazard that is impacting the state or has the  
7 potential to impact the state.
- 8 (2) Authority Having Jurisdiction (AHJ) - means those local, state, or federal entities having response  
9 authority to act over a specific aspect of search and rescue in a specific geographic area.
- 10 (3) Contract Response Team – A regional all-hazards disaster response contract response team as  
11 defined in G.S. 166A-65 which is adopted and incorporated by reference with subsequent changes  
12 or amendments pursuant to G.S. 150B-21.6 with self-sustaining logistical support allowing for  
13 responses into disaster areas.
- 14 (4) County to County Mutual Aid – Resource sharing between county public safety resources under the  
15 conditions of the NC Statewide Mutual Aid Agreement or another similar agreement between local  
16 governments.
- 17 (5) Federal Emergency Management Agency (FEMA) – is an agency of the United States Department  
18 of Homeland Security with the responsibility to coordinate the response to a Presidentially-declared  
19 disasters that has occurred in the United States and that overwhelms the resources of local and state  
20 authorities.
- 21 (6) FEMA Public Assistance Program – is a federal reimbursement grant program that provides federal  
22 funding to help communities respond to and recover from disasters.
- 23 (7) Incident Command System (ICS) - A standardized on-scene emergency management construct  
24 specifically designed to provide an integrated organizational structure that reflects the complexity  
25 and demands of single or multiple incidents, without being hindered by jurisdictional boundaries.  
26 The Incident Command System is the combination of facilities, equipment, personnel, procedures,  
27 and communications operating within a common organizational structure, designed to aid in the  
28 management of resources during incidents. ICS is used for all kinds of emergencies and is applicable  
29 to small as well as large and complex incidents. ICS is used by various jurisdictions and functional  
30 agencies, both public and private, to organize field-level incident management operations.
- 31 (8) Incident Support Team (IST) – A group of search and rescue experts who assist local and state  
32 emergency management in management and support of deployed search and rescue system  
33 resources.
- 34 (9) Local Emergency Management Coordinator (LEMC) – The County Emergency Management  
35 Coordinator who is responsible for all local disaster preparedness, response, and recovery activities  
36 in a specific geographic area.
- 37 (10) NC All-Hazards Incident Management Team (NCAHIMT) – The North Carolina Emergency  
38 Management program responsible for supporting local and state incident management requirements  
39 in local and state disaster response activities.
- 40 (11) NC Resource Typing – A document defining and categorizing, by capability, the resources  
41 requested, deployed, and used in incidents. Resource typing definitions establish a common  
42 language and defines a resource’s minimum capabilities for equipment, teams, and units.
- 43 (12) North Carolina Search and Rescue System (NC SAR System) – The state search and rescue program  
44 established in Article 6 of Chapter 166A of the North Carolina General Statutes.
- 45 (13) North Carolina Search and Rescue Technical Advisory Committee (NC SAR TAC) – An advisory  
46 committee established in Article 6 of Chapter 166A of the North Carolina General Statutes to advise  
47 the Secretary of the North Carolina Department of Public Safety and the North Carolina Division of  
48 Emergency Management on the establishment of a search and rescue system.
- 49 (14) North Carolina Emergency Management (NCEM) - A division of the North Carolina Department  
50 of Public Safety with the responsibility to coordinate the mitigation, planning, preparedness,  
51 response, and recovery to a disaster or emergency that has or could occur in the State.
- 52 (15) North Carolina Emergency Management Operations Chief (NCEM OSC) – The Assistant Director  
53 of Operations for the North Carolina Division of Emergency Management.

- 1 (16) North Carolina Emergency Management Director (NCEM Director) – The Executive Director of  
2 the North Carolina Division of Emergency Management.
- 3 (17) National Incident Management System (NIMS) - A set of principles that provides a systematic,  
4 proactive approach guiding government agencies at all levels, nongovernmental organizations, and  
5 the private sector to work to prevent, protect against, respond to, recover from, and mitigate the  
6 effects of incidents, regardless of cause, size, location, or complexity, to reduce the loss of life or  
7 property and harm to the environment.
- 8 (18) On-duty – When a person is functioning, paid or unpaid, as an agent of their sponsoring or  
9 participating agency or the NC Division of Emergency Management as part of the NC Search and  
10 Rescue Program.
- 11 (19) Participating Agency (PA) – An entity that assists a sponsoring agency with the formation of a  
12 search and rescue team by providing personnel or equipment.
- 13 (20) Responsible Party (RP) – The entity whose actions or inactions caused an event requiring search  
14 and rescue system resources.
- 15 (21) Sensitive Information – Any information, to include but not limited to audio recordings, images,  
16 and video recordings gained during a search and rescue operation that has not been released to the  
17 public by the authority having jurisdiction.
- 18 (22) Specialty Rescue Team – A group of response personnel who provided specialized, technical search  
19 and rescue capability.
- 20 (23) Sponsoring Agency (SA) – A local or tribal unit of government or other entity with an active  
21 response agreement with a local unit of government that organizes and coordinates a search and  
22 rescue team in the North Carolina Search and Rescue System.
- 23 (24) State Coordinated Mutual Aid – Assistance between North Carolina Search and Rescue System  
24 resources and local units of government facilitated and coordinated by North Carolina Emergency  
25 Management.
- 26 (25) State Emergency Operations Plan (SEOP) – A document under the authority of NCGS § 166A-  
27 19.12(2) that details how the State of North Carolina will respond to a disaster or emergency  
28 requiring state assistance utilizing an established comprehensive, all-hazards approach.
- 29 (26) State Mission Assignment (State Mission) – A NCEM approved request for assistance to deploy  
30 state search and rescue system resources at the request of a local unit of government.
- 31 (27) System Personnel – Personnel from a contract or specialty rescue team with an active response  
32 agreement with the Division of Emergency Management for search and rescue response or any  
33 personnel employed on a full-time or part-time basis by the Division of Emergency Management  
34 with a responsibility for search and rescue response.
- 35 (28) System Resource – Personnel or equipment from a contract or specialty rescue team with an active  
36 response agreement with the Division of Emergency Management for search and rescue response.

37  
38 *Authority G.S. 166A-66*

1 14B NCAC 03 .0403 is proposed for adoption 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 System Resources shall employ the all-hazards response model. System resources are not limited  
6 to responses to only missing person incidents. System resources may support any incident where system  
7 resources may relieve human suffering or protect life, property, or the environment for an actual or potential  
8 threat.

9 (b) NC Emergency Management shall maintain direction and control of any deployed NC SAR System resources  
10 that have been deployed through action of NCEM.

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

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

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

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

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

34

35 *Authority G.S. 166A-66*

1 14B NCAC 03 .0404 is proposed for adoption as follows:

2

3 **14B NCAC 03 0404 ON-SITE OPERATIONS OF A CONTRACT RESPONSE TEAM**

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

5 (a) FEMA ICS and NIMS standards which are adopted and are incorporated by reference with subsequent  
6 changes or amendments pursuant to G.S. 150B-21.6.;

7 (b) following all direction from NCEM personnel;

8 (c) when responding in support of law enforcement operations, resources shall coordinate activities with the law  
9 enforcement authorities to ensure their actions support any potential criminal investigation.

10 (d) resources shall not release any sensitive information to the public or media during operations without the  
11 consent of the local, state, or federal authority having jurisdiction consistent with the Chapter 132 of the  
12 North Carolina General Statutes which is adopted and incorporated by references with subsequent changes  
13 or amendments pursuant to G.S. 150B-21.6 ; and

14 (e) state and federal law.  
15

16 *Authority G.S. 166A-66, National Incident Management System, 3<sup>rd</sup> Edition*



1 14B NCAC 03 .0405 is proposed for adoption 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 shall maintain all personnel records to include:  
6 (1) Responder medical history;  
7 (2) Emergency contact information;  
8 (3) Current pay and benefit rates, including overtime rates; and  
9 (4) Policies for overtime pay if deploying paid persons.  
10 (b) System personnel shall be in an on-duty status as an emergency management worker as defined in G.S. 166A-  
11 19.60(e) which is adopted and incorporated by reference with subsequent changes or amendments pursuant  
12 to G.S. 150B-21.6 during all training and response activities.  
13 (c) System resources shall maintain a current team roster.  
14 (d) System resources shall maintain all team training, certification, and credentials.  
15 (e) System resources shall maintain all inventory and maintenance records for deployable equipment.  
16 (f) Resource records must be available for review by NCEM officials to ensure compliance.  
17 (g) Within 90 days of demobilization from a state mission, system resources shall submit documentation of  
18 actual costs to NCEM for reimbursement consistent with FEMA Public Assistance Program and Policy  
19 Guide which is adopted and incorporated by reference with subsequent changes or amendments pursuant to  
20 G.S. 150B-21.6. NCEM may grant extensions beyond the 90-day period at their discretion due to  
21 extenuating circumstances such as extended equipment repairs.  
22

23 *Authority GS 166A-66; 166A-19.60; 42 U.S.C.5121 et seq; 44 CFR Part 206*

1 14B NCAC 03 .0406 is proposed for adoption as follows:

2

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

5 NCEM shall seek reimbursement by the responsible party for system response costs in cases of negligence or manmade  
6 disaster.

7 (1) Responsible parties shall be billed reasonable costs to include personnel and equipment costs  
8 consistent with current protocols established for the recovery of cost of activation of a response  
9 team for a hazardous materials emergency response set out in G.S. 166-27 which is adopted and  
10 incorporated by reference with subsequent changes or amendments pursuant to G.S. 150B-  
11 21.6 of eligible costs

12 (2) Responsible parties shall remit payment within 30 days of receipt of invoice via certified mail.  
13

14 *Authority GS 166A-66; 166A-27*

**Proposed Adoption for Publication in the Register**

1 14B NCAC 03 .0407 is proposed for adoption as follows:  
2

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

- 5 (a) Eligibility for participation as a contract or specialty rescue team:  
6 (1) Sponsoring agencies must:  
7 (A) Be a local unit of government, state recognized tribal government, or maintain an active  
8 response agreement with a local or tribal unit of government;  
9 (B) Maintain participation in the statewide mutual aid agreement; and  
10 (C) Ensure all members possess the qualifications as outlined in rule .0409 which is adopted  
11 and incorporated by reference with subsequent changes or amendments pursuant to G.S.  
12 150B-21.6.  
13 (2) Participating agencies shall ensure all members possess the qualifications as outlined in rule .0409  
14 which is adopted and incorporated by reference with subsequent changes or amendments pursuant  
15 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 have an active memorandum of agreement that  
20 outlines the conditions of their participation on an incident support team.  
21 (2) Ensure all members possess the qualifications as outlined in rule .0409 which is adopted and  
22 incorporated by reference with subsequent changes or amendments pursuant to G.S. 150B-21.6.
- 23 (c) Contract Response Teams – Within 18 months of a new contract period, NCEM shall electronically distribute  
24 a bid announcement via electronic mail to all system resources and local emergency management  
25 coordinators for interested parties to return a letter of interest by a specified date. NCEM shall distribute an  
26 electronic bid package to all interested parties that must be returned to NCEM by a date specified in the bid  
27 package.  
28 (1) Contract response teams shall be limited to seven regionally based all hazard response taskforces.  
29 Each taskforce will be assigned a primary response region in the state.  
30 (2) Bid packages shall be submitted for a specific response region.  
31 (3) The bidding agency and any participating agencies shall be located in that specified response region.  
32 (4) A review committee shall be established by the NCEM Director or designee. This committee will  
33 open all completed sealed bid packages and evaluate them based on an agreed upon criteria at a date  
34 to be set by the NCEM Director.  
35 (5) The committee shall develop a bid package review summary that includes their recommendations  
36 for selections that will be sent to the NCEM Operations Chief for concurrence before being reviewed  
37 and approved by the NCEM Director.  
38 (6) Agencies who are successful in the bid process will be notified, system agreements shall be drafted,  
39 and executed by all parties for the agreed upon period.  
40 (7) NCEM shall draft, execute, and maintain two agreements with the sponsoring agency for the  
41 resource to maintain participation in the program.  
42 (A) NCEM shall execute and maintain a cooperative agreement with the sponsoring agency  
43 that outlines the conditions and activities that the resource must follow to enable  
44 reimbursement of eligible training, equipment, and personnel costs associated with  
45 maintaining a contract response team. The cooperative agreement shall be limited to the  
46 contract period.  
47 (B) Funds reimbursed through this agreement shall go directly to cover program costs and  
48 be utilized by the sponsoring and/or participating agencies.  
49 (C) The sponsoring agency shall maintain all records of any program spending and shall not  
50 comingle funds or use program funding for any other purpose other than maintaining or  
51 building search and rescue capability.  
52 (D) Each sponsoring agency is responsible to draft, execute, and maintain agreements with  
53 any participating agency that is supporting their bid for a contract response team with  
54 personnel, equipment, or funding. NCEM may provide a template agreement for use

## Proposed Adoption for Publication in the Register

- 1                                    between sponsoring and participating agencies. The sponsoring agency may include any  
2 participating agency resources in their bid as long as they have an active agreement.  
3                                    (E) Resources shall maintain a response agreement that outlines response activities and the  
4 reimbursement for costs of state missions.
- 5 (d) Specialty Rescue Teams - NC Emergency Management shall enter into response agreements with additional  
6 specialty rescue teams to ensure statewide response capability in certain established program areas.
- 7                                    (1) These program areas shall include:
- 8    (A) Swiftwater Search and Rescue;  
9    (B) Wilderness / Land Search and Rescue;  
10     (C) Mountain Search and Rescue; and  
11     (D) Helicopter Search and Rescue
- 12                                    (2) NC Emergency Management shall provide program support in establishing program standards,  
13 supporting specialized training, and providing specialized equipment within the confines of  
14 available funding. Participation as a specialty rescue team is considered at will and can be terminated  
15 with or without cause by either party with 30-day notice.
- 16                                    (3) Each qualified resource shall enter into a response agreement specific to each established program  
17 area with NCEM. The resource will then enter into a memorandum of understanding with NCEM  
18 that shall be referred to as a specialty rescue team response agreement.
- 19                                    (4) Specialty rescue teams must demonstrate their ability to respond as a self-supported resource outside  
20 their jurisdiction to be eligible to participate in the NC SAR System.
- 21                                    (5) Each specialty rescue team is responsible to draft, execute, and maintain agreements with any  
22 participating agency that is supporting the sponsoring agency for a specialty response team with  
23 personnel, equipment, or funding. NCEM may provide a template agreement for use between  
24 sponsoring and participating agencies.

25 *Authority GS 166A-65, GS 166A-67*

1 14B NCAC 03 .0408 is proposed for adoption as follows:

2

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

4 (a) Bidding entities must:

5 (1) be submitted by an authorized representative of a local unit of government, state recognized tribal  
6 government, or maintain an active response agreement with a local or tribal unit of government;

7 (2) provide a plan for bidding entity to deploy the required number of personnel for a period of up to  
8 14 days when not being impacted locally. This may be as a single entity or as a collaboration of  
9 multiple agencies in the specified response region. If a collaboration of multiple agencies, the  
10 sponsoring or bidding agency must maintain cooperative agreements with all supporting agencies.  
11 For the purposes of the bid submission, the bidding entity shall provide a letter of support from all  
12 supporting agencies;

13 (3) provide a plan for bidding entity to maintain required number of personnel trained per .0409 which  
14 is adopted and incorporated by reference with subsequent changes or amendments pursuant to G.S.  
15 150B-21.6. ; and

16 (4) ensure all participating members possess the qualifications as outlined in rule 0409.

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

19 (1) geographic location of team base;

20 (2) ability to maintain required number of trained personnel to ensure response readiness without  
21 negative impacts to local response obligations;

22 (3) ability to maintain and care for any system provided equipment;

23 (4) availability of local equipment to support response activities; and

24 (5) availability to maintain dedicated administrative staff to ensure management of administrative  
25 duties, training, and logistical requirements.  
26

27 *Authority GS 166A-67*

1 14B NCAC 03 .0409 is proposed for adoption 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  
9 remain agents of their employer and at no time become an agent of the State unless they are an  
10 employee of the State;  
11 (3) personnel shall maintain no less than 24 hours of search and rescue training annually;  
12 (4) personnel shall be considered emergency management workers while participating in any program  
13 activity as defined in GS 166A-19.60 which is adopted and incorporated by reference with  
14 subsequent changes or amendments pursuant to G.S. 150B-21.6.; and  
15 (5) personnel shall possess the qualifications of character and general fitness requisite for a public  
16 servant and be of good moral character and entitled to the high regard and confidence of the public  
17 as evidenced by:

- 18 (A) not having been convicted of a felony;  
19 (B) not having been convicted of a misdemeanor as defined in 12 NCAC 09B .0111(1)  
20 which is adopted and incorporated by reference with subsequent changes or  
21 amendments pursuant to G.S. 150B-21.6. for five years or the completion of any  
22 corrections supervision imposed by the courts, whichever is later;  
23 (C) not having been convicted of an offense that would prohibit the possession of a firearm  
24 or ammunition, under 18 U.S.C. 922, which is hereby incorporated by reference with  
25 subsequent amendments and editions pursuant to G.S. 150B-21.6 can be found at no  
26 cost [https://www.govinfo.gov/content/pkg/USCODE-2018-title18/pdf/USCODE-2018-  
28 title18-part1-chap44.pdf](https://www.govinfo.gov/content/pkg/USCODE-2018-title18/pdf/USCODE-2018-<br/>27 title18-part1-chap44.pdf);  
29 (D) being truthful in providing information to the appointing agency for the purpose of  
30 participating in the search and rescue system;  
31 (E) not having pending or outstanding felony charges that, if convicted would exclude  
32 eligibility under this rule; and  
33 (F) not having engaged in any conduct that brings into question the truthfulness or  
34 credibility of the individual, or involves "moral turpitude."

35 (6) make the following notifications:

- 36 (A) within seven days of the qualifying event notify the Sponsoring Agency in writing of  
37 all criminal offenses for which the individual is charged or arrested. This shall include  
38 traffic offenses identified in the Class B Misdemeanor Manual and offenses of driving  
39 under the influence (DUI) or driving while impaired (DWI);  
40 (B) within seven days of the qualifying event notify the Sponsoring Agency in writing of  
41 all criminal offenses for which the individual pleads no contest, pleads guilty, or of  
42 which the individual is found guilty. This shall include traffic offenses identified in the  
43 Class B Misdemeanor Manual and offenses of driving under the influence (DUI) or  
44 driving while impaired (DWI);  
45 (C) within seven days of service, shall notify the Sponsoring Agency that they have been  
46 served by a judicial official against the individual;  
47 (D) within seven days of the date the case was disposed of in court, the sponsoring agency,  
48 provided they have knowledge of the person's arrests or criminal charges and final  
49 dispositions, shall also notify the Division of Emergency Management of arrests or  
50 criminal charges and final disposition; and  
51 (E) within seven days of the issuance of all Domestic Violence Protective Orders (G.S.  
52 50B) and Civil No Contact Orders (G.S. 50C), the sponsoring agency, provided they  
53 have knowledge of the order, shall also notify the Division of Emergency Management  
54 of these orders.

(b) Requirements for all system equipment:

- 1 (1) equipment shall be made available for inspections and inventory;
- 2 (2) system resources shall count any state-owned issued equipment to the specified equipment
- 3 requirements;
- 4 (3) system resources shall maintain any state-owned equipment per manufactures recommendations
- 5 and immediately notify NCEM of any damage to state property; and
- 6 (4) upon separation all system resources shall return all state property in no more than 30 days.
- 7 (c) Urban Search and Rescue Team Personnel and Training Requirements
- 8 (1) A Type I or Type II Urban Search and Rescue Team shall maintain a roster of 116 personnel who
- 9 have successfully completed the NC USAR Structural Collapse Rescue Technician Course or the
- 10 Federal Emergency Management Agency Equivalent Course.
- 11 (2) A Type III Urban Search and Rescue Team shall maintain a roster of 58 personnel who have
- 12 successfully completed the NC USAR Structural Collapse Rescue Technician Course or the
- 13 Federal Emergency Management Agency Equivalent Course.
- 14 (3) North Carolina Division of Emergency Management shall be responsible for providing qualified
- 15 structures specialist, medical team managers, and canine search specialists for any typed urban
- 16 search and rescue team if required for a response.
- 17 (d) Urban Search and Rescue Team Equipment Requirements
- 18 (1) Urban Search and Rescue Teams shall maintain a functionally equivalent cache of equipment based
- 19 on the appropriate team type with the Emergency Management Accreditation Program Urban Search
- 20 and Rescue Cache List which is adopted and incorporated by reference with subsequent changes or
- 21 amendments pursuant to G.S. 150B-21.6. as outlined in the latest published standard by the
- 22 Emergency Management Accreditation Program.
- 23 (2) Equipment shall be maintained in a state of readiness and with a means to transport all required
- 24 equipment.
- 25 (e) Swiftwater Rescue Team Personnel and Training Requirements
- 26 (1) Any Type I Swiftwater Rescue Team shall maintain a roster of 32 personnel who have successfully
- 27 completed Swiftwater Rescue Technician level training that meets or exceeds training requirements
- 28 of Chapters 5, 11, and 12 of NFPA 1006 which is adopted and incorporated by reference with
- 29 subsequent changes or amendments pursuant to G.S. 150B-21.6. From the complete roster, the team
- 30 shall additionally maintain the following number of personnel trained in position specific roles:
- 31 (A) eight personnel who have completed the North Carolina Swiftwater Flood Rescue Boat
- 32 Operator Course;
- 33 (B) two personnel who have completed either the North Carolina Swiftwater / Flood Rescue
- 34 Team Leader Course or North Carolina Urban Search and Rescue Task Force Leader
- 35 Course; and
- 36 (C) two personnel who have completed either the North Carolina Swiftwater / Flood Rescue
- 37 Team Communications Specialist Course or North Carolina Urban Search and Rescue
- 38 Communications Specialist Course.
- 39 (2) Any Type II Swiftwater Rescue Team shall maintain a roster of 24 personnel who have successfully
- 40 completed Swiftwater Rescue Technician level training that meets or exceeds training requirements
- 41 of Chapters 5, 11, and 12 of NFPA 1006 which is adopted and incorporated by reference with
- 42 subsequent changes or amendments pursuant to G.S. 150B-21.6. . From the complete roster, the
- 43 team shall additionally maintain the following number of personnel trained in position specific roles:
- 44 (A) four personnel who have completed the North Carolina Swiftwater Flood Rescue Boat
- 45 Operator Course;
- 46 (B) two personnel who have completed either the North Carolina Swiftwater Flood Rescue
- 47 Team Leader Course or North Carolina Urban Search and Rescue Task Force Leader
- 48 Course; and
- 49 (C) two personnel who have completed either the North Carolina Swiftwater Flood Rescue
- 50 Team Communications Specialist Course or North Carolina Urban Search and Rescue
- 51 Communications Specialist Course.
- 52 (3) Any Type III Swiftwater Rescue Team shall maintain a roster of 16 personnel who have
- 53 successfully completed Swiftwater Rescue Technician level training that meets or exceeds training
- 54 requirements from Chapters 5, 11, and 12 of NFPA 1006 which is adopted and incorporated by
- 55 reference with subsequent changes or amendments pursuant to G.S. 150B-21.6. From the

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

- 3 (A) two 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 (f) Swiftwater Rescue Team Equipment Requirements

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

- 13 (A) six 800 MHz portable radios programed with the NC VIPER Radio System template;
- 14 (B) 16 portable radios capable for internal team communications;
- 15 (C) portable computer with a minimum of cellular internet access;
- 16 (D) 16 each of dry suits with a suitable liner, personal floatation devices with not less than  
17 22lbs of floatation, helmet with headlamp, rescue knife, pealess whistle, boat motor key,  
18 water rescue throw bag, and pair of water rescue boots;
- 19 (E) four each thermal imaging cameras and handheld spotlight;
- 20 (F) two hardcopy of NC road map;
- 21 (G) six global positioning system receivers;
- 22 (H) two forcible entry kits to include a Halligan, axe, sledgehammer and bolt cutters per kit;
- 23 (I) two chain saws;
- 24 (J) four inflatable ridged boats not less than 4 meters in length with not less than six outboard  
25 motors;
- 26 (K) one rope rescue kit to include 20 locking carabiners, four full body harness, two knot  
27 passing pulleys, 12 tandem prusiks, eight pulleys, two 200 foot life safety rope in a  
28 bag, two 300 foot life safety rope in a bag, line thrower, and six sections of each 5 foot,  
29 12 foot, 15 foot, 20 foot nylon tubular webbing;
- 30 (L) two decontamination kits to include, 2.5 gallon pressure sprayer, five gallon bucket, 40  
31 gallon work box, 110 volt submersible pump, two 25 foot sections of garden hose,  
32 garden hose wye adaptor, 110 volt submersible pump, soap and bleach solution, 1.5  
33 inch to .75 inch male garden hose adapter;
- 34 (M) six non-venting fuel cells with fuel lines;
- 35 (N) two self-bailing raft;
- 36 (O) four boat field repair kits to include a patch and clamshell kit per kit;
- 37 (P) 12 paddles;
- 38 (Q) Shelter system for 16 personnel that can be setup in under 30 minutes time and does not  
39 require power for setup with 16 each of a sleeping kit such as a cots, pad, or sleeping  
40 bag; and
- 41 (R) Two each of two kilowatt or larger generators with portable lights; and
- 42 (S) Two electric air pumps, four manual inflation pumps, and eight compressed air cylinders  
43 with whip or fill system to inflate boats or rafts.

44 (2) Any Type II Swiftwater Rescue Team shall maintain an equipment cache of no less than:

- 45 (A) four 800 MHz portable radios programed with the NC VIPER Radio System template;
- 46 (B) ten portable radios capable for internal team communications;
- 47 (C) portable computer with a minimum of cellular internet access;
- 48 (D) ten each of dry suits with a suitable liner, personal floatation devices with not less than  
49 22lbs of floatation, helmet with headlamp, rescue knife, pealess whistle, boat motor key,  
50 water rescue throw bag, and pair of water rescue boots;
- 51 (E) two each thermal imaging cameras and handheld spotlight;
- 52 (F) two hardcopy of NC road map;
- 53 (G) four global positioning system receivers;
- 54 (H) one forcible entry kits to include a Halligan, axe, sledgehammer and bolt cutters per kit;
- 55 (I) two chain saws;



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

- 1 (3) attend scheduled training no less than quarterly basis to maintain their qualification as a helicopter  
2 rescue technician.
- 3 (h) Helicopter Rescue Team Equipment Requirements
- 4 (1) Helicopter search and rescue technicians shall maintain all issued equipment in good working order  
5 and in accordance with the manufacturer recommendations.
- 6 (2) Helicopter search and rescue technicians shall inspect their issued equipment prior to and after each  
7 use and report any damage or unusual wear to the Aviation Life Safety Equipment Officer.
- 8 (i) Wilderness Search and Rescue Team Requirements
- 9 (1) A wilderness search and rescue team shall maintain a roster of no less than eight personnel that have  
10 completed the NC Land Search Field Team Member Course or other wilderness search course that  
11 meets the current requirements of ASTM F2209 which is adopted and incorporated by reference  
12 with subsequent changes or amendments pursuant to G.S. 150B-21.6.
- 13 (2) A wilderness search and rescue team shall maintain a team equipment cache of no less than eight of  
14 the following:
- 15 (A) field pack able to carry required equipment;
- 16 (B) multi-purpose knife;
- 17 (C) water container(s) sufficient to hold two quarts of potable water;
- 18 (D) safety glasses;
- 19 (E) pealess whistle;
- 20 (F) grid reader for 1:24000 scale;
- 21 (G) compass;
- 22 (H) two light sources with spare batteries;
- 23 (I) set of rain gear;
- 24 (J) tracking stick no less than 42 inches long;
- 25 (K) watch;
- 26 (L) fire starting kit;
- 27 (M) measuring device capable of measure no less than 18 inches;
- 28 (N) paper and pen or pencil;
- 29 (O) ICS 214 form;
- 30 (P) 50 foot of cordage;
- 31 (Q) eight zip ties; and
- 32 (R) signaling mirror.
- 33 (3) A wilderness search and rescue team shall maintain a rescue equipment cache of no less than the  
34 following:
- 35 (A) two global positioning system receivers;
- 36 (B) two first aid kits.
- 37 (j) Mountain Rescue Team Requirements
- 38 (1) A mountain rescue team shall maintain a roster of no less than eight personnel that have completed  
39 the NC Mountain Rescue Operations Course with no less than two personnel that have completed  
40 the NC Mountain Rescue Technician Level Course.
- 41 (2) A mountain rescue team shall maintain a team equipment cache of no less than eight of following:
- 42 (A) field pack able to carry required equipment;
- 43 (B) multi-purpose knife;
- 44 (C) water container(s) sufficient to hold two quarts of potable water;
- 45 (D) grid reader for 1:24000 scale;
- 46 (E) fire starting kit;
- 47 (F) compass;
- 48 (G) two light sources with spare batteries;
- 49 (H) set of rain gear;
- 50 (I) watch;
- 51 (J) paper and pen or pencil; and
- 52 (K) ICS 214 form.
- 53 (3) A mountain rescue team shall maintain a rescue equipment cache of no less than the following:
- 54 (A) two global positioning system receivers;
- 55 (B) ten screw gate carabiners;
- 56 (C) four belay type friction devices;

- 1 (D) eight pre-sewn runners;
- 2 (E) eight sets of matching prussik pairs;
- 3 (F) four 30 foot cord suitable for anchor and litter rigging;
- 4 (G) eight mountaineering harnesses;
- 5 (H) two rappel type friction devices;
- 6 (I) two each single and double micro pulleys;
- 7 (J) two 150 foot ropes with a rating equal to or greater than 20 kilonewtons;
- 8 (K) two 250 foot ropes with a rating equal to or greater than 20 kilonewtons;
- 9 (L) eight pairs of snow shoes;
- 10 (M) eight pairs of trekking poles;
- 11 (N) four ice screws;
- 12 (O) eight pairs of slip-on boot traction devices;
- 13 (P) four pairs of crampons;
- 14 (Q) a patient litter such as a military type stokes basket or sked system; and
- 15 (R) two 800 MHz portable radios programed with the NC VIPER Radio System template.

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