STATE OF NEVADA
Department of Conservation & Natural Resources
Joe Lombardo, *Governor*
James A. Settelmeyer, *Director*
Denise K. Beronio, *Administrator*

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Adoption of Permanent Regulations of the Nevada Starry Skies Destination
LCB File No. R061-24

The Nevada Division of Outdoor Recreation (NDOR) will hold a public hearing to receive comments from all interested persons regarding the adoption of permanent regulations that pertains to Chapter 407 A of the Nevada Administrative Code

Date: Friday, May 24, 2024
Time: 9:30 AM
Location: Bryan Building, Bonnie Conference Room (1st Floor)
901 S. Stewart St.
Carson City, NV 89701
Virtually: https://teams.microsoft.com/v2/ ?meetingjoin=true#/l/meetup-join/19:meeting_ZDRkNWY3NGEtYmE1OC00ZTk0LWIyYWItZWIzMWZjYmI1Mjky@thread.v2/0?context=%7b%22Tid%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22Oid%22%3a%22a39be12c-d7b3-44b3-bc45-8c4cd06706c3%22%7d&anon=true&deeplinkId=26f67b00-7ff8-485b-89e4-01779fba547f

Dial-in by phone:
+1 (775) 321-6111, 461364619#
Phone Conference ID: 461 364 619 #

The following information is provided pursuant to the requirements of NRS 233B.0603:

1) The need for and the purpose of the proposed regulation or amendment:

The proposed regulation seeks to enhance accessibility of the Nevada Starry Skies Destination Program for communities throughout the State. Currently, regulations require interested parties to obtain an International Dark Skies Places Program from the International Dark Sky Association before being eligible for the Nevada Starry Skies Destination. This process can be cumbersome and laborious for communities seeking

to be dark skies friendly, which can deter participation in the International Dark Skies Places Program.

2) If the proposed regulation is a temporary regulation, the terms of the substance of the proposed regulation to be adopted, amended, or repealed, or as description of the subjects and issues involved.

   This is not a temporary regulation.

3) The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and, in each case, must include:
   a) Both adverse and beneficial effects; and
      i) On Business: The Nevada Division of Outdoor Recreation (NDOR) foresees minimal to no adverse effects on regulated businesses as a result of the adoption of the proposed regulation change. A beneficial result of implementing this regulation is the ability for communities to capitalize on astro-tourism and recreation.

      On the Public: The Division foresees minimal to no adverse effects on the public with the adoption of the proposed regulation change. Potential benefits include increased opportunities to protect, advocate for, and educate others on the importance of Nevada's dark skies. The public has the potential to engage in a new recreation type that has not previously been explored in Nevada.
   b) Both immediate and long-term effects.
      i) On Business: The Division foresees minimal to no immediate effects on regulated businesses as a result of the regulation. Long-term effects include potential increased economic benefits from astro-tourism.
      ii) On the Public: The Division anticipates no immediate or long-term effects based on the proposed regulations for the Nevada Starry Sky Destination. Participation in the Nevada Starry Sky Destination is voluntary.
4) The methods used by the agency in determining the impacts on a small business.

   NDOR determined that its proposed regulation changes have no significant negative effect on Nevada small businesses. The proposed changes are related to the process for administering the Nevada Starry Sky Destination program, which is a voluntary program. Therefore, comments have not been solicited from small businesses, and no summary of their response is provided, because small businesses are not impacted by these regulations and thus a burden or economic impact cannot be assessed.

The purpose of these changes is to update the regulations related to the Nevada Starry Skies Destination Program. This includes updating application criteria and standards for a site to be eligible for the Nevada Starry Sky Destination. One new requirement is that designation sites must provide educational opportunities to learn about the importance of dark skies. There is no additional estimated cost to NDOR or the applicant during the application and enforcement phases of this program due to regulation updates.

5) The estimated cost to the agency for enforcement of the proposed regulation.

   NDOR's Program Officer will have monitoring responsibility related to the proposed regulations and this work will be incorporated into the job duties of this employee. The Division does not anticipate additional costs for enforcement of the proposed regulation beyond this allocated staff time.

6) A description and citation to any regulations of other state or local government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

   The proposed regulation does not overlap or duplicate any existing regulation.

7) If the regulation is required pursuant to federal law, a citation and description of the federal law.

   The proposed regulation is not required by federal law and there is no equivalent federal law.

8) If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

   The regulation does not include provisions which are more stringent than a federal regulation that regulates the same activity.

9) Whether the proposed regulation establishes a new fee or increases an existing fee.

   The regulation does not establish a new fee or increase an existing fee.

10) If the proposed regulation is a temporary regulation, address each at which the text of the regulation may be inspected and copied.

This is not a temporary regulation.

Persons wishing to comment upon the proposed action of the Nevada Division of Outdoor Recreation may appear at the scheduled public hearing or may address their comments in written form, to Chelsea Kincheloe at 901 S. Stewart St. Ste. 1002 Carson City, NV 89701. Written submissions must be received by the Nevada Division of Outdoor Recreation on or before Friday, May 24th, 2024. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada Division of Outdoor Recreation may proceed immediately to act upon any written submissions.

A copy of this notice and the regulations to be adopted will be on file at the State Library, Archives and Public Records, 100 Stewart Street, Carson City, NV, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be adopted will be available at the Nevada Division of Outdoor Recreation, 901 S. Stewart St. Ste. 1002 Carson City, NV 89701, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the internet at http://www.leg.state.nv.us/ . Copies of this notice and the proposed regulation will also be mailed to members of the public at no charge upon request.

Upon adoption of any regulation, the Nevada Division of Outdoor Recreation, if requested to do so by an interested person, either before adoption or within 30 days therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations:

Nevada Division of Outdoor Recreation website: https://dcnr.nv.gov/divisions-boards/ndor
Nevada State Legislature website: www.leg.state.nv.us/App/Notice/A/
Nevada Public Notice website http://notice.nv.gov
Nevada State Legislature, 401 S. Carson St., Carson City, Nevada
Nevada State Library and Archives, 100 N. Stewart St, Carson City, Nevada
Downtown Reno Library, 301 South Center Street, Reno, NV 89501
Carson City Library, 900 N. Roop St. Carson City, NV 89701
Douglas County Public Library, 1625 Library Ln, Minden, NV 89423
White Pine County Library, 950 Campton St, Ely, NV 89301
Elko County Library, 720 Court St, Elko, NV 89801
Lincoln County Library, 63 Main Street, Pioche, NV 89043
Esmeralda County Library, P.O. Box 430, Goldfield, NV 89013-0430
Pershing County Library, 1125 Central Avenue, P.O. Box 781 Lovelock, NV 89419

Mineral County Public Library, 110 W 1st St, Hawthorne, NV 89415
Lyon County Library, 20 Nevin Way, Yerington, NV 89447
Churchill County Library, 553 South Main Street, Fallon, NV 89406
Battle Mountain Branch Library, 625 South Broad Street, Battle Mountain, NV 89820
Humboldt County Library, 85 East 5th Street, Winnemucca, Nevada 89445
Eureka County Library, 80 Monroe Street, Eureka, Nevada 89316
Las Vegas-Clark County Library District Headquarters, 7060 W. Windmill Lane, Las Vegas, NV 89113
Tonopah Public Library, 167 Central St, Tonopah, NV 89049
Storey County Community Library, 175 Carson St, Virginia City, NV 89440

Posted on: 04/25/2024