



**NOTICE OF INTENT TO ACT UPON A REGULATION
(REVISED)**

Notice of Hearing for the Adoption of Permanent Regulations of the
Nevada Division of Outdoor Recreation

LCB File Number R088-22

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

Thursday, December 8, 2022

Time: 2:00PM

Richard Bryan Building, Tahoe Conference Room, 2nd Floor
901 S. Stewart Street, Carson City, NV 89701

This meeting will be held virtually via Microsoft Teams.

Microsoft Teams Access Information:

[Click here to join the meeting](#)

Meeting ID: 258 019 204 45

Passcode: FaLQcm

[Download Teams](#) | [Join on the web](#)

Or call in (audio only)

[+1 775-321-6111,,213564360#](#) United States, Reno

Phone Conference ID: 213 564 360#

[Find a local number](#) | [Reset PIN](#)

ALL PERSONS WISHING TO ATTEND THE MEETING MAY ATTEND IN PERSON OR VIA THE IDENTIFIED VIRTUAL MEETING PLATFORM OR TELEPHONICALLY. Nevada Revised Statutes Chapter 241 has been amended through Assembly Bill 253 of the 81st Session of the Nevada Legislature to allow public meetings to be completed by use of remote technology and without a physical location.

This hearing will be conducted in accordance with the Open Meeting Law ([NRS 241.020](#))

The purpose of this hearing is to receive comments from all interested persons regarding the proposed regulation pertaining to the implementation of the Senate Bill 52 of the 81st Session of the Nevada Legislature. Proposed regulation changes are contained within [LCB File No. R088-22P](#).
<https://www.leg.state.nv.us/Register/2022Register/R088-22P.pdf>

A copy of all materials relating to the notice may be obtained by visiting the Division of Outdoor Recreation website at <http://dcnr.nv.gov/divisions-boards/ndor> or by contacting the Division of Outdoor Recreation at 775-684-2701 or mweintraub@ndor.nv.gov. Copies may also be requested or inspected by visiting the Nevada Department of Conservation and Natural Resources office located in Carson City or the Nevada State Library and Archives at 100 Stewart Street, Carson City, NV 89701. The notice of the hearing and materials are additionally available at the following locations:

Churchill County Library c
553 South Maine Street
Fallon, NV 89406

Douglas County Library
P.O. Box 337
Minden, NV 89423

Elko County Library
720 Court Street
Elko, NV 89801

Eureka Branch Library
P.O. Box 293
Eureka, NV 89316

Humboldt County Library
85 East 5th Street
Winnemucca, NV 89404

Battle Mountain Library (Lander County)
P.O. Box 141
Battle Mountain, NV 89820

Lincoln County Library
P.O. Box 330
Pioche, NV 89043

Lyon County Library
20 Nevin Way
Yerington, NV 89447

Mineral County
P.O. Box 1390
Hawthorne, NV 89415

Carson City Public Library
900 N. Roop Street
Carson City, NV 89701

Pershing County Library
P.O. Box 781
Lovelock, NV 89419

Storey County Community Library
175 Carson Street
Virginia City, NV 89440

Goldfield Public Library (Esmeralda County)
P.O. Box 430
Goldfield, NV 89013

Tonopah Public Library (Nye County)
P.O. Box 449
Tonopah, NV 89049

Washoe County Downtown Reno Library
301 S Center St.
Reno, NV 89501

Clark County Public Library
1401 E. Flamingo Rd.
Las Vegas, NV 89119

White Pine County Library
950 Campton Street
Ely, NV 89301

A reasonable fee for copying or postage may be charged for those requesting a print copy. Members of the public who would like additional information about the proposed regulation may contact the Division of Outdoor Recreation at 775-684-2701 and mweintraub@ndor.nv.gov.

Reasonable efforts will be made for members of the public who have disabilities and require special accommodations for assistance at the meeting. Please contact the Division at 775-684-2701 or mweintraub@ndor.nv.gov prior to the meeting.

Notice of this meeting was sent to all persons on the Division of Outdoor Recreation mailing list for administrative regulations and posted on or before 9:00 am, thirty days before the meeting at the following locations: Division of Outdoor Recreation's website at <http://dcnr.nv.gov/divisions->

[boards/ndor](#), Nevada Public Notice at <https://notice.nv.gov/> and Nevada Legislative Administrative Regulation Notices at <https://www.leg.state.nv.us/App/Notice/A/>.

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

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

The purpose of the proposed regulation is to establish standards and eligibility for a site to be awarded the designation of the Nevada Starry Sky Designation pursuant to Senate Bill 52 (2021). Existing law covers the creation and purpose of the Nevada Division of Outdoor Recreation.

This regulation is needed for the Division to administer, carry out and enforce the provisions of S.B.52. It will provide guidance on the creation of a dark sky place designation process within Nevada.

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 a description of the subjects and issues involved.

The proposed regulation is not temporary.

3. If the proposed regulation is a permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation.

Text of the proposed regulation is available on the Nevada Division of Outdoor Recreation Department of Conservation and Natural Resources website at: <http://dcmr.nv.gov/divisions-boards/ndor>, or by request of digital or hard copy from mweintraub@ndor.nv.gov 775-684-2701. Requests should specify [LCB File No. R088-22P](#).

4. The estimated economic effect of the regulation on the business which it is to regulate and on the public.

The estimated economic effect of the proposed regulation on the business which it is to regulate:

a. Adverse effect:

- i. Immediate effect- There is no anticipated effect on businesses.
- ii. Long-term effect- There is no anticipated effect on businesses.

b. Beneficial effect:

- i. Immediate effect- There is no anticipated effect on businesses.
- ii. Long-term effect- There is the potential for businesses in communities which seek and achieve Nevada Starry Sky Destination designation to receive an increase in business from consumer expenditures due to dark sky travel and tourism. This is especially true for businesses in hospitality and leisure sectors.

5. The methods used by the agency in determining the impact on small business.

The Division reviewed the proposed regulation and preliminarily determined that it will not impose a direct and significant economic burden upon a small business, or directly restrict the

formation, operation or expansion of a small business, because the proposed regulation does not require additional expenses or regulations upon small businesses.

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

The Division anticipates the cost of enforcement of the proposed regulation to be absorbed into the workloads of existing staff. The Division does not anticipate the need for any additional funding or a budget increase.

7. A description of and citation to any regulations of other states or local governmental 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.

To our knowledge, the proposed regulation does not duplicate any existing federal, state, or local standards regulating the same activity.

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

The proposed regulation is not required pursuant to federal law.

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

N/A

10. Whether the proposed regulation establishes a new fee or increase and existing fee.

The new regulation does not establish or amend an existing fee.

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

The regulation is not a temporary regulation.

Persons wishing to comment upon the proposed action of the Nevada Division of Outdoor Recreation may participate virtually or in person at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to the Nevada Division of Outdoor Recreation, 901 S. Stewart St., Ste. 1003, Carson City, Nevada 89701 or by email to mweintraub@ndor.nv.gov. Written submissions must be received by the Nevada Division of Outdoor Recreation before **5:00 p.m. on December 1, 2022**. 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.

Interested persons may obtain a copy of the text of this Notice of Hearing by contacting:
Nevada Division of Outdoor Recreation

901 S. Stewart St., Ste. 1003
Carson City, Nevada 89701
Phone: 775-684-2701 Email: mweintraub@ndor.nv.gov

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 agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

Notice of this hearing was posted on or before 9 a.m. thirty days before the meeting at the following locations: the Nevada Division Outdoor Recreation website at <http://dcnr.nv.gov/divisions-boards/ndor> and www.notice.nv.gov.

Posted: November 4th, 2022



**PUBLIC HEARING AGENDA
(REVISED)**

THURSDAY, DECEMBER 8, 2022 AT 2:00 P.M. PST
Richard Bryan Building, Tahoe Conference Room 2nd Floor
901 S. Stewart Street, Carson City, NV 89701

Join the Microsoft Teams Meeting:
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Note: Items on the agenda may be taken out of the posted order, items may be combined for consideration, and items may be pulled or removed from the agenda.

- I. Call to Order**
- II. Public Comment**
Persons making comment will be asked to begin by stating and spelling their name for the record. All public comments should be as brief and concise as possible so that all who wish to speak may do so (3 minutes for individuals and 5 minutes for group representatives). Comment will not be restricted based on viewpoint.
- III. Review and Discussion of Proposed Permanent Regulation R088-22**
Discussion of regulations pertaining to the implementation of the Nevada Starry Sky Designation Program.
- IV. Adoption of Regulation R088-22 (for possible action)**
- V. Public Comment**
Persons making comment will be asked to begin by stating and spelling their name for the record. All public comments should be as brief and concise as possible so that all who wish to speak may do so (3 minutes for individuals and 5 minutes for group representatives). Comment will not be restricted based on viewpoint.
- VI. Adjournment**

A copy of all materials relating to the proposed regulations may be obtained at the hearing or by contacting the Nevada Division of Outdoor Recreation, 901 S. Stewart St., Ste. 1003, Carson City, NV 89701, mweintraub@ndor.nv.gov, or (775) 684-2701. In your request, please state that you are requesting materials for the adoption hearing on December 1, 2022. Reasonable efforts will be made for members of the public who have disabilities and require special accommodations for assistance at the meeting. Requests for accommodations or assistance may be submitted to the Department in writing to the address below or by calling 775-684-2701 at least three (3) business days prior to the meeting.

Nevada Division of Outdoor Recreation
Attn: Matthew Weintraub
901 S. Stewart St., Ste. 1003
Carson City, NV 89701
Via email: mweintraub@ndor.nv.gov

Action may not be taken on matters considered during public comment until specifically included on a future agenda as an action item. Notice of this meeting has been sent to all persons on the agency's mailing list for administrative regulations, posted on the internet through the Division of Outdoor Recreation's website at <http://dcnr.nv.gov/divisions-boards/ndor>, and on the Nevada Public Notices website at <https://notice.nv.gov/> on or before 9 a.m. thirty days (30) calendar days prior to the meeting. Additionally, notice of this meeting was sent to the Nevada Legislative Counsel Bureau for posting at: <https://leg.state.nv.us/App/Notice/A/>.