

**PROPOSED REGULATION OF THE ADMINISTRATOR
OF THE DIVISION OF OUTDOOR RECREATION OF
THE STATE DEPARTMENT OF CONSERVATION
AND NATURAL RESOURCES**

LCB File No. R088-22

August 30, 2022

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§ 1-10, NRS 407A.570.

A REGULATION relating to outdoor recreation; prescribing the standards for eligibility for a site to be awarded the designation of Nevada Starry Sky Destination; prescribing the procedure for applying for such a designation for a site; establishing procedures for reviewing, reassessing and suspending or revoking such a designation; prescribing procedures for appealing the denial, suspension or revocation of such a designation; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Administrator of the Division of Outdoor Recreation of the State Department of Conservation and Natural Resources to perform certain duties relating to the promotion, coordination and advocacy of outdoor recreation in Nevada. Existing law specifically requires the Administrator to establish by regulation a program for awarding a designation to sites in this State, including communities, parks, reserves and byways, where the darkness of the night sky is relatively free of interference from artificial light. Existing law further requires that those regulations include: (1) categories for which a site may be awarded such a designation; (2) standards for awarding such a designation; and (3) procedures for applying for such a designation, for reviewing, reassessing and suspending or revoking such a designation and for appealing a denial, suspension or revocation of such a designation. (NRS 407A.570) **Sections 3-5** of this regulation define “Nevada Starry Sky Destination,” and other terms related to the program established by this regulation to award such a designation.

Section 6 of this regulation establishes the standards for a site to be eligible to be awarded the designation of Nevada Starry Sky Destination. **Section 7** of this regulation prescribes the procedure for applying for such a designation. **Section 8** of this regulation establishes the procedures for the review and approval or denial of applications by the Administrator and for the appeal of a denial. **Section 9** of this regulation requires submission to the Administrator of any change in the designation of the contact person for a site with the designation of Nevada Starry Sky Destination. **Section 10** of this regulation provides that the

Administrator will monitor a site with the designation of Nevada Starry Sky Destination for continued compliance with the standards for eligibility. **Section 10** also provides procedures for the suspension or revocation of the designation and for the appeal of a suspension or revocation.

Section 1. Chapter 407A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 10, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Nevada Starry Sky Destination” means the designation awarded to a site pursuant to the Program.*

Sec. 4. *“Program” means the program established by sections 2 to 10, inclusive, of this regulation for awarding the designation of Nevada Starry Sky Destination to eligible sites.*

Sec. 5. *“Site” includes, without limitation, a community, park, reserve and byway.*

Sec. 6. *To be awarded the designation of Nevada Starry Sky Destination, a site must:*

- 1. Be located on public or private land within this State;*
- 2. Have been certified under the International Dark Sky Places Program of the International Dark-Sky Association, or its successor, or have received similar recognition from a comparable entity, as determined by the Administrator; and*
- 3. If located on public land, have received the consent to its designation as a Nevada Starry Sky Destination from each governmental entity with jurisdiction over the land.*

Sec. 7. 1. *A person or entity that wishes to have a site designated as a Nevada Starry Sky Destination must submit an application to the Administrator on a form prescribed by the Administrator.*

2. The applicant must submit with the application:

(a) Proof of certification of the proposed site under the International Dark Sky Places Program of the International Dark-Sky Association, or its successor, or similar recognition from a comparable entity, as determined by the Administrator;

(b) If the proposed site is located on public land, proof of consent for the designation of the proposed site as a Nevada Starry Sky Destination by each governmental entity with jurisdiction over the land; and

(c) The name and contact information of the person designated by the applicant as the contact person for the proposed site.

Sec. 8. 1. *The Administrator will review each application received pursuant to section 7 of this regulation and determine whether the proposed site meets the standards set forth in section 6 of this regulation.*

2. If an application is incomplete, the Administrator will return the application to the applicant with a written explanation of any deficiencies. The applicant may reapply to the Division after resolving such deficiencies.

3. Within 90 days after receipt of a complete application, the Administrator will notify the applicant in writing of the decision to approve or deny the application.

4. If the Administrator denies the application, the applicant may file a written appeal of the decision with the Director within 30 days after receipt of the notification of denial.

Sec. 9. *Any change in the designation of the contact person for the site initially provided in the application pursuant to paragraph (c) of subsection 2 of section 7 of this regulation must be submitted to the Administrator by the successor contact person within 30 days after the change.*

Sec. 10. 1. *At least once every 5 years, the Administrator will verify whether a site that has been designated as a Nevada Starry Sky Destination continues to meet the standards set forth in section 6 of this regulation.*

2. If the Administrator receives or becomes aware of information indicating that a site which has been designated as a Nevada Starry Sky Destination no longer meets the standards set forth in section 6 of this regulation, the Administrator, in consultation with the contact person for the site, will develop a plan for the site to regain compliance with those standards within a specified period.

3. If the site does not regain compliance with the standards set forth in section 6 of this regulation within the period specified in the plan developed pursuant to subsection 2, the Administrator will provide written notification of the:

(a) Suspension of the designation of the site as a Nevada Starry Sky Destination if the Administrator determines that the site can regain compliance with the standards set forth in section 6 of this regulation after additional action specified by the Administrator in the notification is taken. The Administrator will reinstate a suspended designation upon submission of proof of the completion of the additional action.

(b) Revocation of the designation of the site as a Nevada Starry Sky Destination if the Administrator determines that the site cannot regain compliance with the standards set forth in section 6 of this regulation with any additional action.

4. The written notification required pursuant to subsection 3 will be:

(a) Provided to:

(1) The person who is designated as the contact person for the site; and

(2) Any person who submits a written request to the Administrator to receive such notification.

(b) Posted on the Internet website of the Division.

5. A person may file a written appeal of the suspension or revocation of the designation of a site with the Director within 30 days after receipt of the notification of suspension or revocation.