

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

LCB File No. R061-24

April 10, 2024

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

AUTHORITY: §§ 1-4, NRS 407A.570.

A REGULATION relating to outdoor recreation; adding a business to the categories of locations considered to be a site for the purposes of the Nevada Starry Sky Destination program; revising the requirements for a site to be designated as a Nevada Starry Sky Destination; revising the information required to be included in an application for such a designation; requiring the Administrator of the Division of Outdoor Recreation of the State Department of Conservation and Natural Resources to verify at least once each year the eligibility of a site designated as a Nevada Starry Sky Destination; 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 establish by regulation a program for awarding a designation to sites in this State where the darkness of the night sky is relatively free of interference from artificial light. Existing law further requires that such regulations include, without limitation: (1) the categories for which a site may be awarded such a designation including, without limitation, a community, park, reserve or byway; (2) the standards for awarding such a designation for each category; and (3) the procedures for applying for such a designation, for reviewing and reassessing sites awarded such a designation, for suspending or revoking such a designation and for appealing a denial, suspension or revocation of such a designation. (NRS 407A.570) Existing regulations provide that the definition of “site,” for purposes of the Nevada Starry Sky Destination program, includes, without limitation, a community, park, reserve and byway. (Section 5 of LCB File No. R088-22) **Section 1** of this regulation includes a business in the list of categories of locations considered to be a “site.”

For a site to be eligible to be awarded the designation of Nevada Starry Sky Destination, existing regulations require a site to: (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. (Section 6 of LCB File No. R088-22) Existing regulations additionally require an applicant for such a designation to submit certain information with the application, including proof of such certification. (Section 7 of LCB File No. R088-22) **Section 2** of this regulation removes the requirement for a site to have been certified by such an entity and instead requires the site to: (1) have implemented a management plan which conserves or improves the darkness of the night sky in this State by implementing changes to the infrastructure of the site or the policies of the site; and (2) provide certain opportunities for education relating to dark skies. Such opportunities for education must: (1) communicate the importance of and benefits provided by dark skies; or (2) present opportunities to learn about and engage with the night sky.

Section 3 of this regulation revises the information an applicant for designation as a Nevada Starry Sky Destination is required to provide to reflect the changes made in **section 2** by: (1) removing the requirement for an applicant to provide proof of certification by certain entities; and (2) instead requiring an applicant to provide proof that the site meets the requirements set forth in **section 2** relating to the implementation of a management plan and the provision of certain opportunities for education.

Existing regulations require the Administrator, at least once every 5 years, to verify whether a site that has been designated as a Nevada Starry Sky Destination continues to meet the standards for a such a designation. (Section 10 of LCB File No. R088-22) **Section 4** of this regulation instead requires the Administrator to conduct such a verification at least once each year.

Section 1. Section 5 of LCB File No. R088-22 is hereby amended to read as follows:

Sec. 5. "Site" includes, without limitation, a community, *business*, park, reserve and byway.

Sec. 2. Section 6 of LCB File No. R088-22 is hereby amended to read as follows:

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~~ *implemented a management plan which conserves or improves the darkness of the night sky in this State by implementing changes to* the ~~International Dark Sky Association, or its successor,~~ *infrastructure of the site* or ~~have received similar recognition from a comparable entity, as determined by~~ the ~~Administrator, and~~ *policies of the site;*
3. *Provide opportunities for education which:*

- (a) Communicate the importance of and benefits provided by dark skies; or*
- (b) Present opportunities to learn about and engage with the night sky; and*

4. 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. 3. Section 7 of LCB File No. R088-22 is hereby amended to read as follows:

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]~~ *that the site meets* the ~~[proposed site under the International Dark Sky Places Program]~~ *requirements set forth in subsections 2 and 3 of [the International Dark Sky Association, or its successor, or similar recognition from a comparable entity, as determined by the Administrator,]* *section 6 of LCB File No. R088-22;*

(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. 4. Section 10 of LCB File No. R088-22 is hereby amended to read as follows:

Sec. 10. 1. At least once ~~[every 5 years,]~~ *each year*, 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 LCB File No. R088-22.

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 LCB File No. R088-22, 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 LCB File No. R088-22 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 LCB File No. R088-22 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 LCB File No. R088-22, 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.