



Commission on Off - Highway Vehicles

Full Commission Meeting

March 11, 2015

Meeting Minutes ****APPROVED****

Meeting Locations: Nevada Public Utilities Commission
1150 East Williams Street
Hearing Room B
Carson City, Nevada

Nevada Public Utilities Commission
9075 West Diablo Drive
Suite 250, Hearing Room B
Las Vegas, Nevada

I. MEETING OF THE NEVADA COMMISSION ON OFF-HIGHWAY VEHICLES

1. CALL TO ORDER

Chair McKay called the meeting to order at 12:30pm.

2. PLEDGE OF ALLEGIANCE

The pledge was recited.

3. ROLL CALL OF THE COMMISSION MEMBERS

Commissioner Cox - Present, Las Vegas
Commissioner Elmore - Present, Carson City (arrived at 12:35pm)
Commissioner Baker - Present, Las Vegas
Commissioner Griggs - Present, Elko (via telephone)
Commissioner Gerow - Present, Carson City
Commissioner Jackson - Present, Carson City
Commissioner Lambert - Present, Elko (via telephone)
Commissioner Lee - Present, Las Vegas
Chair McKay - Present, Carson City
Commissioner Richardson - Present, Carson City
There is a quorum.

4. PUBLIC COMMENT

No public comment.

5. COMMISSIONER BRIEFINGS

Commissioners may brief the NCOHV on any emerging issues of interest to the NCOHV arising after the agenda is set. No deliberation or action will be taken on any information presented until the matter itself has been specifically included on an agenda as an item upon which action may be taken.
No comment was made.

6. MEETING MINUTES

Commissioners may vote to approve, modify, or reject the minutes from the NCOHV meeting held on January 15, 2015.
MOTION: Commissioner Lee makes a motion to approve the minutes from the January 15, 2015 meeting; Commissioner Richardson seconds the motion.
Motion passes unanimously.

7. AB 217

Commissioner's will discuss and possibly vote to take a position on Assembly Bill ("AB") 217 regarding removing the requirement for certain OHV's to register with the DMV; revising provision relating to NCOHV funding sources; and relating to the registration of certain OHV's; and other related matters in the bill; possible suggested amendments to AB 217.

Peter Kruger, Capitol Partners, thanks the members of the Commission that have been active in the building talking to the bill sponsor, Assemblywoman Robin Titus, a Republican from Lyon County. The bill basically does one thing; it removes the authority for the Commission to issue stickers. There are other provisions in the bill that the Assemblywoman believes would allow the Commission to continue to operate. He has meet with her twice and her biggest concern, and in his opinion the reason that drove this bill, is that she has a vast distrust for the BLM. She believes that because of the registration stickers the BLM is empowered to write tickets to Nevada citizens on BLM land for violation of the regulations of having your vehicle registered. There are other issues as well that she brought up at the initial ways and means hearing, which looked at the initial DMV budget. She is concerned that the grant program has not been implemented. Another issue is the number of vehicles registered in the state is far below what she was lead to believe would be the case. He has worked with members of the Commission and they are putting together a good formable collation of other interest groups. They believe they will get the Cattlemen's Association to oppose the bill along with other groups who are coming to the table. Law Enforcement is not in favor of this bill. He would like to ask the Commission for direction in moving forward in either support or opposition of this bill. Commissioner Jackson through the Chair to Mr. Kruger, for those who were not in the room and have not heard directly from Assemblywoman Titus, what are the numbers that she believes are correct as far as registrations. Peter Kruger states that there are two stories. Initially, he believes that the number she heard at the DMV budget meeting was 30,000 to 33,000. He thought at one point that was the registration rate. In discussions with DMV this morning, the total number of active registrations is about 32,000; people who are currently registered this year and have active registrations. The number is about double that of people who over the years have registered their vehicles and that number is about 80,000. Sean McDonald, DMV, states that 40,276 are actively registered right now. Commissioner Jackson states that he heard that DMV has filed a fiscal note on this bill, is that correct? Sean McDonald, DMV, states they did submit a fiscal note. The grand total for FY15/16 is \$966,384.00 of which \$739,000.00 is money that would be transferred to the Commission. FY17 \$917,681.00 of which \$761,912.00 is money that would be transferred to the Commission. This fiscal note is an attachment to AB217, so this fiscal note can be accessed from the Legislature website. He would normally say this would have been an easy bill to defeat; there are a lot of members who believe that federal government involvement in state rights is a bad thing. Assemblywoman Titus believes, he is not speaking for her and this is his belief after meeting with her twice, by doing away with the registration program then BLM cannot write tickets to Nevada residents on federal land. In his opinion this is a winnable fight.

MOTION: Commissioner Cox makes a motion to oppose AB217, seconded by Commissioner Gerow.

Commissioner Elmore asks if she is open to more dialog or is it too late. He is curious since he has not seen her at any Commission meetings, he does not believe that she has meet with Mr. Drumm; is the BLM enforcement issue insurmountable or can there be another sit down with her? Commission Jackson states that he was Ms. Titus' campaign manager in her run for Federal Senate against Harry Reid. She is a smart woman who holds an MD along with several other degrees. He feels that if the Commission can come up with something that she can review that she would be open to looking at it. Commissioner Elmore feels that Assemblywoman Titus is misinformed and there if there is an opportunity to put some of her worries at ease it would be worthwhile before the opposition of her bill. Commissioner Lee states that she is very passionate about this bill and he believes she thinks by doing away with the stickers she will somehow limit the BLM's ability to write NRS which is not the case. The Sheriffs and Chiefs have been fighting this for many years, long before OHV came about. Changing this law will not affect the BLM in any way. She was also concerned that DMV was requesting money for an enforcement officer at about \$110,000.00. Her main concerns seemed to be BLM and the money that DMV was requesting. Sean McDonald, DMV, stated the compliance enforcement piece is an actual component when the original bill passed. It gave DMV the authority to actually hire a compliance enforcement officer. This has not been done do to volume of revenue coming in from the registration side of things. The proposal from our compliance enforcement division is suggesting removing it from the existing authority and putting it into the proposed DMV BDR. There was some clarification with Assemblywoman Titus yesterday in regards to that issue. Commissioner Griggs stated he spoke with Senator Goicoechea, who is a cosponsor of this bill and his take is a little different. He feels the BLM issue is more of an afterthought. His concerns were primarily the Commission's lack of forward progress and the decrease of participation from OHV users. The Cattlemen's concerns are the grant process and the lack of accountability to OHV users if the sticker program goes away. One idea for discussion is possible amendments to the bill, instead of removing the sticker requirement, make it a onetime permanent sticker. One would get the sticker the same time as the title; A onetime fee which would get 100% involvement up front. There may be a loss of money down the road. Chair McKay asks if there would be an annual renewal fee. Commissioner Griggs states that it is a onetime only purchase. Commissioner Elmore states that would require a change to statue. Commissioner Griggs states that this would be an amendment to AB217. Commissioner Jackson stated that there are several amendments that could be made. One being that the OHV Commission could do studies or surveys of area's that the BLM proposes to close. Second the Commission could hire private counsel. The state provided counsel can only provide information on the Open Meeting Law. Third, would not allow federal enforcement agencies to apply for grants. AG Palmer clarifies that she can advise on other legal issues and she has been. Chair McKay proposes an amendment to the motion but instead would have further discussions to see if there are other

options. Commissioner Baker stated that the BLM enforcement component is currently separate from the grant application and it is the law enforcement that is the 20%. Maybe there is an opportunity to amend the bill. According to NRS, BLM cannot receive the grant money. AG Palmer states that the law enforcement money is separate from the grant process. It currently does not say if that money can be state or federal. Commissioner Baker states that there needs to be an agreed upon strategy by the end of the meeting. Commissioner Griggs understood Assemblywoman Titus's concern to be the BLM law enforcement writing tickets to OHV users that did not comply with the sticker law. Chair McKay states that they could issue a ticket under federal law. Leo Drumm, BLM, states that 19 tickets have been written in the last 39 months state wide and 86 verbal warnings since the creation of the law. The director of BLM spoke with Assemblywoman Titus yesterday about their law enforcement authority. The BLM does not enforce state law or NRS. BLM rangers are only authorized to enforce federal regulations. There is a federal regulation that was established in 1979, it states, that a person is prohibited to operate off road vehicles in violation of state laws and regulations relating to the use standards registration operation inspection of off road vehicles. That is the citation that would be issued for a violation of Nevada registration laws. They also have a variety of other laws if there are no state laws that cover operation of off highway vehicles on public land. BLM law enforcement still has the authority to enforce federal regulations when absent in state law. Commissioner Cox states that he is not open to a friendly amendment but if the Commission would like to postpone a vote until later in the meeting he is okay with that. That is okay to the seconder also.

9. PRESENTATION FROM THE NEVADA OFFICE OF GRANT PROCURMENT, COORDINATION, AND MANAGEMENT Sheila Lambert, Director of the Nevada Office of Grant Procurement, Coordination, and Management, will discuss her agency's role in awarding grants and how her office can assist NCOHV with the grant process. Her focus will be on ensuring NCOHV's compliance with state and federal laws and the role that a host agency might be able to fill for the NCOHV.

Chair McKay states it was suggested by the Governor that the Commission get in contact with the Grant office. The grant application guide and score sheets were submitted before Christmas and there have been discussions between AG Palmer's office and Ms. Lambert's office. Ms. Lambert will present a process that should work for the Commission in reference to the grant application guide and how to process it all the way to the end. Sheila Lambert, Chief of Grant Management for the state of Nevada, they reviewed several issues in regards to the grant proposals. They are working to make sure that the Commission is in compliance with federal and state laws. There were a number of issues where the Commission was not compliant. As an office of the Executive Government one of their roles is to ensure the Commission is in compliance with the Nevada Revised Statute, Nevada Administrative Code, and the State Administrative Manual of which this board is subject to as an appointed body. There is some flexibility to what the Commissioner can and cannot do but in terms of the state policies there are specific contractual management guidelines that have to be followed. They are currently revising the grant when it is disseminated in order to make sure of compliance. This body has not had the level of support that other commissions have had in terms of being under another state agency. Being under a state agency does not diminish its capacity autonomy but it provides additional resources to ensure compliance. It also provides administrative support so the commission can focus on the primary purpose. Some missing items were disclosures, there needs to be disclosures from the entire commission in regards to any other bodies or boards they represent. They would then be precluded from voting on or participating in the evaluation of a grant in which they would have a vested interest. They have tried to produce a body to reduce redundancy and make sure there a number of systematized things that are supported to help this body be more effective. They have also been working with other state bodies to see about more consolidation in terms of making sure that the reporting is accurate. The Commission is mandated to address all of the issues within the audit. The recommendations do not have to be accepted but they have to make the changes in order to be complaint. One question in regards to the grant process is how the actual scoring will be done in terms of reviewing the grants. Typically commissioners don't always vote or there is a distinct body that is evaluates the grant applications and scores them. Then there is a body that typically votes on which ones they want to accept. This Commission can choose to do one of four things: all the commissioners and nonvoting advisers individually can do independent scoring and they would brief everyone on what they can and cannot do in terms of there would not be any contact with anyone outside of that process; there could be a grant scoring committee comprised of some commissioners; there could be outside independent scoring. They need to hear today on how to move forward in order to build the process into the grant. Connie Lucido is the senior executive grant analyst for the state of Nevada and is currently revising the request for announcement that would go out to ensure that all of the elements are included. They have worked very hard with AG Palmer in going through the number of regulations along with the Legislative Counsel Bureau due to a number of them not being correct in regards to what needs to be in a regulation versus what needs to be in a grant application. They revised them so the regulation would give this board as much flexibility as possible in each of their grant cycles. As the needs change, they can be changed through the grant announcement and not have to go back through the LCB process. The purpose of the OHV Commission was not because any other agency was not performing at any particular level but in order to engage Nevada representation and policy development with OHV state wide. In fact, one of the proposals they have is that this agency go under Parks in support of the audit in order to provide the extra level of support. By going under the umbrella of Parks it would give the commission an opportunity to be able to have more input on all motorized projects in the state. Connie Lucido, Nevada Grants Office, what their office is trying to do is organize all of the information into one document so it can be

distributed back to the Commission with the appropriate information. Typically a funding announcement is in 7 pieces; funding description, this is where the funding goals would be set. The regulations are what define the body but in the funding announcements is what should be defining the goals for the projects. It is typical to include eligibility information in a funding application, which also allows the commission the change according to priorities. Commissioner Jackson would like her to expand in regards to going under Parks and the money that Parks receives from the gasoline tax, would that funding then be available to the Commission or would the Commission be assigned that portion? Ms. Lambert states the Commission would not receive any additional funds outside the scope that LCB has provided. As being part of the Parks it would provide the opportunity to be part of the system of working with them in terms of how some of those funds are spent. One of the reasons the grant office has become involved is because for some reason this Commission has not been able to advance in the goal of distributing grants. They want to get the Commission to get to the point where they can meet the goals of the LCB statue, which is to start getting the funds out in a manner which is both federally and state compliant. There is significant concern at several levels of government to where this commission is at. They are looking for options for OHV in order to compliant so that this body can be a body of action. Commissioner Richardson states that when this came up it was one of his recommendations to get some mentorship and feedback from an organization that already had success in getting grants approved. It appears that you are one of those organizations. This Commission has not been able to accomplish anything since he has been a part of it for almost two years. Whatever the grants office can bring to the table to help the Commission understand what they are suppose to be doing is a 100% step in the right direction. Ms. Lambert states that depending on decisions made by the commission, the grant announcement should be out by the end of summer or the end of this fiscal year. The primary goal is to show legislative members that the Commission is moving forward. Chair McKay asks Eric Johnson to speak from State Parks. State Parks has a good grant program through RTP funds. If the Commission, State Parks, BLM and other partners work together for public outreach and education, each agency can build upon one another and have a larger affect. The RTP program is under State Parks and not a source of the Commission funding. If the Commission is worried about the expense it is a recommendation in the audit to be hosted by a state agency. If the Commission takes the recommendation and accepts their help in administering the grants it will all work out. Eric Johnson, State Parks, his initial proposal in simple terms is to leverage the money the Commission is getting from the sales of stickers. He knows that it is important to the committee to have control over the approval or disapproval of grants. If applicants submitted to the OHV committee matches for RTP funds, the Commission would have control over those applicants and at the same time quadruple the amount of funds put on the ground without really impacting the State Parks program. Parks would still need assistance as far as staffing but there would be a large impact to it. That would be an easy and rapid way to get funds out on the ground where they need to be. Chair McKay's states that a great benefit that the commission's funding can add to the mix in the state as far as getting projects done with the ability to fund studies. Commissioner Lambert states that he is disappointed in the processes in the past. Nevada is virtually the only state on the west coast that has zero square inches of OHV activity in State Parks. He disagrees with the validity of the OHV projects that have been brought to State Parks. He also states that Ms. Lambert may be a family member. Chair McKay thanks him for the disclosure. Commissioner Jackson states that he continually receives comments about the State Parks and the lack of money that goes to OHV projects. If the Commission goes under Parks umbrella he is going to defend that on a constant basis. What is Parks doing to ensure that the 30% of the money actually goes to OHV projects? Eric Johnson, State Parks, has no control over who applies for the grants. In 2013 there was 14 applications for motorized trails, 6 of the applications were rejected, 5 of the six because no NEPA was completed. Recreation trails funding cannot be used for inventory or NEPA, which is an advantage for the Commission because the Commission can. In 2014, there were 6 or 7 applications for motorized trails all of which went to committee for review. He would like to comment on Mr. Lambert's comment on no OHV activity in State Parks; there is OHV activity at Cave Lake, Spring Valley, Valley of Fire there is OHV activity in the parks. Commissioner Jackson asks what the plan is for State Parks if they are not receiving enough valid applications and how do they increase the number of applications. Eric Johnson, State Parks, states advertising and expanding the marketing. Sheila Lambert, Grants office, states one of things created through the state grant office over the past year is a master list. Currently they have over 1000 people who have contacted them about grants. This is a service for each of the state agencies to assist with the public announcements. Commissioner Jackson asks if the Commission partners with Parks, would there be corporation from State Parks to help find the people to co op and pull the grants in. Eric Johnson, State Parks, states based on his understanding of the question, yes. Chair McKay states that the Commission could use their contacts to find people interested in the grants and educate them on how to write a successful grant. Commissioner Lambert would be interested if State Parks is prepared to commit to putting the 40% of mixed use towards its designated purpose. At one point when he did a brief audit of State Parks, they had 23 outstanding grants that were not completed but there was a lot of the 40% that had zero OHV involvement. It would be more appealing to work with State Parks if there was a commitment to follow the guidelines for the 40% of mixed use. Commissioner Cox states that if the Commission says their funds can be used for a match for an RTP grant, is that something that has to be put into regulations or in the guidebook. Sheila Lambert, Grants office, states that it would be placed within the scope of the grant announcement. Chair McKay states that if the Commission, State Parks and the federal partners all work together to educate the interested groups in order to prepare a complete application that meets all standards, there should not be problem to commit to the percentages because there would be qualified applicants. Commissioner Jackson asks if the Commission does partner with State Parks, is it permanent or can the Commission decide to leave. AG Palmer states to her understanding that both groups would work together with a memorandum of understanding. Chair McKay states that if either

party was unhappy with the situation then the partnership could be dissolved. Sheila Lambert, Grants office, states that she has draft agreements that are used on a regular basis between agencies. Sheila Lambert, Grants office, would if the board so approves or put that motion forward, the grants office would bring the Commission back the policies and guidelines for moving forward on a grant procurement system for the Commission determination on how to move forward and if appropriate move forward based on the regulations and guidelines.

MOTION: Commissioner Richardson makes a motion to support the Grants initiative to help out with the process, seconded by Commissioner Lambert.

Motion passes unanimously.

8. DRAFT REGULATIONS

The NCOHV will review the proposed changes to the draft regulations submitted by the Legislative Counsel Bureau following public and commissioner comments during the meeting held on January 15, 2015. The NCOHV will also entertain additional public comment and may vote to adopt, reject, or modify the proposed changes to the draft regulations submitted by the Legislative Counsel Bureau.

AG Palmer states in regards to the draft regulations from the LCB; Ms. Lambert, Chair McKay and herself have worked together. They looked at the statutes as they exist and what they require. In NRS 490.069, it references the nonvoting advisers being involved in the process. In discussions with Ms. Lambert to how grant are typically done and involving the nonvoting advisers, this is the proposal they came up with. They have created a grants scoring committee and it is left open (on page 2 of the proposed draft regulation) that the scoring committee could consist of the commission, nonvoting advisers or both. That would be who scores the actual application. The makeup of the scoring committee can be changed for each grant cycle if the Commission so wishes. This is assuming this will all be okay with the legislature, which is the definition for section 8 of the draft regulations. If the definition of the nonvoting adviser is put in, those nonvoting advisers are spelled out in NRS 490.068. The Commission has some nonvoting advisers that are more active than others. The Commission needs to start bridging those relationships and make sure the nonvoting advisors are involved since the statute calls for their involvement. There are a few other definitions from the recommendation of Ms. Lambert. They defined the Grants office because they want the Grants office to provide an administrative role, they are not here to make decisions, and they are here to help move this process along. The nonvoting advisers are Section 10 and Section 12 for the definitions. Also defined is notice to proceed, which is the proper notice of how grants work. They eliminated a lot of the sections that require time frames; they are not necessary and not typical. There would only be one appeal process. Commissioner Jackson asks in reference to the appeals process, will the Commission be covered in a court of law with only one appeals process. AG Palmer states that as long as you follow due process and the provision that has been drafted allows for that the Commission will be following the right steps. Sheila Lambert, Grants office, they mimic the process that exists for all of the state's Request for Announcement's, which can be read on the state's purchasing site. AG Palmer moves onto page 5 of the regulations, the process begins when the Commission issues its request for grant applications. Section 21 makes a reference to that process beginning. This will set out what type of project it is and specific factors and criteria that the grant scoring committee will use to evaluate and score the applications, along with what forms need to be used for a successful application. The application will be submitted and must comply with certain provisions which are stated in statute. Section 6 lists out all of the different things that must be completed and were taken directly out of the statute. Page 7, includes the plan to complete the proposed project not more than 2 years after the notice to proceed is issued. There is a provision there that allows the Commission to wave or modify that requirement. Page 9, most of what is being done is cutting out language because it is sort of a redundant process. In working with the grants office they want to be sure the Commission is complying not only with the requirements of the NRS 490.069 but also all of the other state and federal requirements. Page 11, Section 25, applications for grants must be requested, publicized, evaluated, and approved in accordance to these additional sections. Here is where the process begins. The Commission will issue a request for grant applications and then they will ensure certain things about the request to ensure that it is fair. Then there will be a notice letting applicants know that the Commission will not score or take further action with respect to an application that is not complete by the deadline. What that provision will allow the Commission to do, is that anyone who gets their application in early and it is not complete, a notice can be sent out to that applicant with notification that it is not complete. As long as it was complete by the deadline their application would still be accepted. Here is the process that has been envisioned; the application will then be sent by the applicant to the office of grant management, Ms. Lambert's office will review them for completeness, then they will be forwarded the nonvoting advisers which are required by statute (page 13, Section 28). The nonvoting advisers will independently review all the applications for completeness and compliance with the NRS. Then return the applications to the grants office within 15 days after receiving them. The grants office, within 7 days, assigns a number to the complete and compliant applications. Then will forward each of them to the members of the grant scoring committee. They would be independently scored and returned to the grants office within 15 days. The grants office will average the scores and put together the data that would be needed to make the decision, ranking them from highest to lowest. Then provide a list from highest to lowest with the grant type due to the fact that only certain percentages can be given out for certain projects according to the NRS. The Commission is not obliged to fund any of them. The next process, at a properly noticed public meeting, the Commission by majority vote of the quorum present will consider in the order in which they are ranked whether

and in what amount to award a grant to an applicant (page 14, section 31). Page 15, section 32, the Commission will post on the website any grants that have been awarded no later than 5 business after making those awards. Here is the appeals process. Not later than 10 days after the posting is made an applicant who was otherwise eligible to receive a grant and the grant application was unsuccessful may submit to the Commission a request for consideration. If that happens, the Commission, within 10 days, will schedule a public meeting to hear the request for reconsideration and then no later 30 days after that public meeting the Commission will issue a final decision on each request and post on the website the final decision. After the grant is awarded the Commission will monitor, evaluate and assist in the carrying out of the grant process. This is also where partnering with a host agency will help. The contract that would be entered into after the grant is awarded must be signed, then there will be a notice to proceed, this is the actual document that will start the time line for completion. Page 18, section 41, this is where the grantee will notify the Commission after the project has been completed and what the Commission will do to ensure the project was completed. Commissioner Cox states that in Section 30, the office of procurement will send back a rank list for the Commission to vote on. If you are not on the scoring committee will you come to the meeting with only a rank list to vote on? Chair McKay states that the nonvoting advisers score list. Chair McKay states that the nonvoting advisers can score the grant application according to the score sheet in the grant guidelines the Commission builds. It can be adviser or it can be included as part of the scoring process. The grant committee or the full commission can also score the grants independently. Then the Commission can also score independently those grants. Then, there is the ability to fund and not fund. Commissioner Cox is pointing out if some of the Commissioners are not on the scoring committee then they will be asked in a public meeting to vote solely based on a ranked list. AG Palmer agrees that the Commissioners should also have the application and there needs to be a slight revision there. Commissioner Cox states that in Section 31, it states that there will be no presentation like there was in the past, he would like an option, in that section to be able to ask questions. Commissioner Jackson states that he agrees with Commissioner Cox. It is an important part of the whole process. Sheila Lambert, grants office, all of the applications would be considered in your backup agenda so those would all be provided as a matter of policy and procedure for complete transparency. The second part, what can be done in reference to asking questions in reference to less money, in the grant application you can advise them to give a 1, 2, or 3 point in terms of what they can and cannot get along with. Typically when submitting a federal or state grant application, they should be giving you their best and final offer for that opportunity. Commissioner Jackson states that one of things they found to be most useful on this Commission, that before voting on a grant, the Commission should be able to ask questions of the people applying. The paperwork cannot cover every question and it needs to be part of the process. Commissioner Cox asks if that process is in Section 31? The way he laid out the timeline, without any gaps, this is a 142 day process. Sheila Lambert, Grant office, they typically turn around paperwork in 48 hours and during legislative session it changes to 72 hours based on the commitments to administration and the state. Commissioner Cox states that the scoring committee will have 15 days to score the grants; depending on how many grants they get and if he was on the scoring committee, depending on the number of grants, is that a realistic timeline. Connie Lucido, Office of Grant Management, in response to the ability to ask questions of the grant applications. Once the Commission has received the rankings and have the meeting to decide who is receiving the money; the applicants should be at that meeting. That is when you can ask questions. Commissioner Elmore asks how to get the nonvoting advisers to participate as the statute mandates. AG Palmer states that she will do some research on how to get them more involved. Commissioner Griggs states in NRS 490.068, in regards to adopting regulations for determining acceptable work on a project for which a grant is awarded; is that covered in this regulation? AG Palmer states that it is kept broad in order to not have to send it back to the LCB for revisions and some of it will be defined by the actual grant application. It will be defined by the specific project of what is and is not acceptable. Commissioner Jackson states without the verbal presentations, he does not think he could vote for these regulations. It is a component that is important and needed. Chair McKay states there are a couple of good concerns about presentations to the Commission, also an increased period to review the grants of 30 days. One more component to bring into this is the practical and time table in place with LCB. In discussions with LCB, as long as there are only a few small changes which have been pointed out, then LCB will expedite their process for the Commission. Once those are adopted then there will be the ability to fund grants. Have AG Palmer work on the list of changes in the regulations and submit it back to LCB. Commissioner Jackson asks if the Commissioners will be able to see the regulations before they are submitted? AG Palmer states that is what today's meeting is for, to decide on the changes. The Commission may have to take a vote and agree to disagree. Commissioner Jackson states that if the Commission agrees on changes today and the changes are made, he wants the Commissioners to see the document before it is submitted. AG Palmer states if there are changes, those will be incorporated. A copy will be sent to the Commissioners but there will not be an opportunity to comment or make further changes.

MOTION: Commissioner Elmore makes a motion to approve the draft regulations as presented with the change of the scoring committee's time period from 15 days to 30 days. AG Palmer states that is proposed Section 29 on page 13. Seconded by Commissioner Lee. Discussion ensued in regards to presentations. AG Palmer suggests for the Commission to authorize Chair McKay to work with legal counsel and the office of Grant Management to make the change to Section 31 but if the Grants office management has a problem with the change then the language would be approved as is. Chair McKay states the original motion stands and calls for the vote. Commissioner Jackson opposes. Motion passes.

11. PRESENTATION FROM THE OFFICE OF CRIMINAL JUSTICE

The Commission will hear a report from Charise Witt, Administrator, from the Nevada Office of Criminal Justice Assistance (NOCJA) and the plan for disbursing 20 percent of the NCOHV account funds for law enforcement purposes, pursuant to NRS 490.069. There will be two years to fund (2014 and 2015), by the end of this fiscal year, based on the Account balances on January 1, 2014, and January 1, 2015, respectively.

Chair McKay states that the Commission does not vote to fund it until there is a recommendation from the office of Criminal Justice.

Charise Witt's presentations is attached as Article A.

Commissioner Jackson asks if the office of Criminal Justice would make the suggestions and the Commission would pay the check. Ms. Whitt responds yes, that is her understanding. Her office will review and make recommendations to the Commission that is all. Commissioner Jackson states that the Commission will do the awards and set the parameters. Does your office charge for this? Ms. Whitt responds no, this is in NRS. Commissioner Jackson asks if an agency wants to apply for overtime, is there a way for them to apply one time or a continuing basis? Ms. Whitt states there are several different ways to approach that issue; once the recommendations are provided to make an award, they can ask for an extension. Her office can also review issues outside of the tight time frame of the grant applications and it is something to be discussed. Commissioner Baker wants to know what the rest of the Commission is looking for in these grants, strictly law enforcement or also some education. AG Palmer states that now is the opportunity to let Ms. Whitt know what the Commission is looking for in terms of the grant applications. Charise Whitt, Office of Criminal Justice, states the eligibility and nonspecific of the requests very broad and open so that agencies could request for education, overtime, equipment and any of those types of items. She is now asking what the Commission is looking for in those applications. Chair McKay states that Ms. Lambert's office has offered at no charge to complete the administration of these grants. AG Palmer states that these are not grants, these are awards. Commissioner Elmore states that before he can state what he would like to see competed, he would like to know what the dollar amount that is available. Chair McKay states between the two years approximately \$200,000.00. Commissioner Lee wants to clarify this should be money for all law enforcement off highway vehicle activities; to include search and rescue, which is very important when dealing with off highway vehicles. Chair McKay asks if it would be okay for the main message to be enforcing OHV stickers and regulations; secondary would be equipment and search and rescue operations. Commissioner Richardson states one of the things that has been discussed for the awards, is to have the ability to see what they are doing with the award money. He would like to participate, if that is something that the law enforcement community would welcome. Ms. Whitt states those are items that could be put in as a special condition on the award and she has sample wording if the Commission would like. Commissioner Elmore asks Commissioner Lee what other priorities he sees as necessary that will help to better the program. Commissioner Lee states that he would like to see some of the agencies put in some overtime for things like VIN inspections. Chair McKay states to summarize direction, the Commission feels the primary mission would be to enforce the OHV regulations, stickers, VIN inspections and if overtime is needed that is acceptable within in a timeline. There also should be an education component that accompanies the enforcement, search and rescue equipment and activities are secondary to the primary mission. What about the Federal Law enforcement component? Commissioner Jackson states that there should not be one. Commissioner Elmore states the Commission cannot rewrite federal law; the reality is that federal enforcement will write tickets whether they want to write them and when they want to write them because they have the ability to do so. They can choose to piggy back on state law when they want but the reality is that they have the ability to do it as they desire. He also does not want to exclude a worthwhile project that could be a benefit, just because they are a federal agency. Commissioner Jackson states that there is political pressure going on from the Assembly, in his opinion, at this time the Commission should only work with state and local agencies. Later on it can be changed to work with federal agencies if so desired. AG Palmer states if a grant is awarded specifically for enforcing the sticker program and then the legislature does away with the sticker program, what would happen to that grant? Ms. Whitt states that it is an award, if funding has gone out to the agency and they have utilized the monies prior to the law being changed. Usually the Commission would be writing off that money. If there is money that is left over that has not been used, it would come back to the Commission and be redistributed or they could come back and ask for a change of scope in their project. Commissioner Lee states that Nevada law enforcement needs to be enforcing this law. If any overtime is awarded to a federal agency to enforce this NRS, the Commission would be cutting its own throat. That was the concern of the Assemblymen and women that he talked to. The federal agencies can apply for some of the other money for education and trails. Ms. Whitt states that since the announcement was already sent to BLM, an update can be sent out or the Commission can review and score the awards and make the Commission can wait and make the decision once the applications are received from her office.

10. DISCUSSION OF NCOHV STATE AUDIT

During the NCOHV meeting held on January 15, 2015, the NCOHV voted in favor of discussing and possibly acting upon the following recommendations provided in the state audit:

1. Seeking legislation that would allow the Department of Motor Vehicles ("DMV") to transfer to the Commission all OHV program revenue in excess of its expenses.
2. Coordinating with the DMV to obtain more informative program revenue and expense data.

3. Developing and implementing procedures to ensure funds are expended for OHV enforcement and public outreach.
4. Implementing a program where decals are required for out-of-state OHV's located in Nevada for more than 15 days.
5. Seeking legislation to have the commission hosted by a state agency.
6. Seeking other funding sources to defray the cost of the host agency.

Chair McKay asks if the Commission has any trouble with the direction and recommendation of item 1. Commissioner Jackson asks if that will be put in as an amendment to a bill now or wait for two years. Chair McKay would like to add it to a bill in this session. One of the principle vehicles to accomplish this would be with a bill from the DMV. But to his understanding the Commission would have to make the DMV whole in regards to their expenses. With that understanding, is the Commission comfortable with that? Commissioner Jackson feels a better vehicle would be Mr. Settlemyer's bill which is already out there to remove the registration late fee's. There is a subsequent add on to that which would actually move all of the issuing of decals from DMV to the Commission, so the Commission could then hire a vendor. He thinks it is specific to having the decals sold at DMV approved dealerships. Chair McKay states to seek to get an amendment to legislation that will allow the DMV to transfer the program revenue and expenses. Commissioner Elmore asks if these will move these individually and also designate legislation? Chair McKay would like to leave it broad.

Chair McKay states in reference to item 2 the DMV has provided a form which more clearly lays out the income and expense situation with the DMV that the Commission can receive on the first of each month. This way there is a better understanding of expense and revenue and how it is tracked through the year. AG Palmer asks if this covers the same information as item 14. Chair McKay states it is covering the same ground and if it is covered now then they will not have to worry about it in item 14. A representative from DMV asks which format they would like it in since there have been several formats. For clarification the number on the sheet are not accurate, it was just for an example of the format. Vida Ozoude, Division of Internal Audits, states this is so the Commissioner can actually know exactly what the commission and what DMV is actually receiving. The form actually breaks up the amount going to each entity so the distribution of funds can be seen. Doreen Rigsby, DMV, states that it will not be received on the first of the month but it will be the first Monday of the month due to incoming reports. Chair McKay states the Commission will use the format provided by the division of Internal Audits to report the income and expense data from DMV going to the Commission, along with the registration, renewals and other information that DMV currently provides. It will be provided on the first Monday of each month.

Chair McKay, item 3, currently the Commission is trying to get through regulations so that they will have the authority to do so. This one is self explanatory.

Chair McKay, item 4, would like to work and review options to try and get this program off the ground. Commissioner Elmore asks if this has to be a legislative change in NRS, if so it needs to be added to the legislative list? Commissioner Jackson states in SB109 it was added to the legislation, which was the clean up bill that was done last time. The reciprocity was spelled out and if someone was here for anything over 14 days they had to get a sticker. Currently they can go to DMV and get a sticker, if the legislation gets passed then the person can go to a dealer to get the sticker. They are required to have it to ride their machine on public lands after 14 days. Doreen Rigsby, DMV, states that what they know of for the 15 days is on the website and they can apply for a sticker and it has to be done through the mail. Chair McKay states that the Commission will seek legislative action to enable a solution.

Chair McKay, item 5, as stated earlier the Nevada State Parks providing the grant administration process after the award is the best option right now. Commissioner Jackson would like to set item 5 aside, it is a big subject and it needs to be discussed at a later point. There are other agencies and other point to be brought up. Chair McKay states this item will be placed on the next agenda for further discussion. Commissioner Elmore states that in the audit they had contacted two state agencies about hosting the commission, one of which was parks and the other being wildlife, in the audit's discussion with parks that said it was not an option because of additional requirements and now they are saying they can do it. The information presented in the audit conflicts with the information presented by Eric Johnson. Vita Ozoude, division of Internal Audits, when they met with NDOW and Parks; Parks was willing to accept the responsibility but they needed the money to do it. NDOW, because of where they receive their money decided it would not work as their money comes from fish and game. Those people would like their money kept separate from what OHV is doing. Commissioner Elmore states it does answer the question and supports that there needs to be a sit down with Parks.

Commissioner Lee asks for clarification on item 4 on the final decision. Chair McKay states the decision was to work with DMV and explore legislative options to get the out of state sticker program going.

Chair McKay, item 6, it has been discussed about RTP funds with State Parks, it can be investigated but presently the RTP program is funding the State Parks program. The Commission will seek other funding sources and will bring back more information.

Chair McKay states if item 5 is dropped with the stipulation that there will more information back to the commission at the next meeting, is there a motion to accept the actions and recommendations provided in the state audit. Commissioner Elmore states that before this motion can be made, it needs to be known who will be doing this. Chair McKay states that this question will be answered in a few minutes.

MOTION: Commissioner Jackson makes the motion to accept the recommendations of the audit, except for recommendation number 5, which we will hold in advance. Seconded by Commissioner Elmore.
The motion passed unanimously.

15. LEGISLATIVE PROPOSAL

Commissioners will discuss and may vote on seeking a change in legislation that will allow government agencies to receive grant awards from the NCOHV account, pursuant to NRS 490.068 and NRS 490.069.

Chair McKay states this discussion has been held several times. AG Palmer states when LCB came back with the regulations and said that a person pursuant to NRS in the very first chapter defines what a person is and it cannot include a governmental agency. After reviewing the minutes she agrees with comments from the Commissioners from before, when the Commission was adopted it was the intent to be able to give grant monies to government agencies. However the language that was adopted would preclude the Commission from doing that. Mr. Drumm put forward a proposal with some very small changes to section 2 of NRS 490.068; it was part of the draft minutes that were accepted today, Article C on page 16. So if the Commission wants to change it to be able to award grant money directly to a governmental agency, Mr. Drumm's language would allow the Commission to do so. Chair McKay states that it boils down to the Commissioner's opinions. There is a system presently defined by a person who can be an individual, corporation, or 501C3; or the Commission tries to expand it to allow all levels of government. Commissioner Jackson asks when stating governmental agencies, would that be including city, counties, and state. Chair McKay also adds federal with the exception of law enforcement funding and federal if the Commission wants to be sensitive to that. Commissioner Jackson would be interested in supporting governmental agencies up to but not including federal. Chair McKay states that federal could apply by partnering with another agency. Commissioner Elmore understands the climate of today but we are talking the root essence of this bill, the root essence of this program. In the practice round we agreed to grant BLM to purchase containers to store equipment, which they were going to paint the side to promote the program. He does not remember what the final vote was but everyone thought it was a worthwhile endeavor and a good use of program funds. It is for the overall OHV good intention. Commissioner Jackson states that he does not feel that he is throwing out federal authority with this. Basically what is being said is that if a city, county or state wants to a grant that is great. If a national government authority wants to a grant then they would have to partner with a local, city, county, state or a 501C3 to be able to do so. It is not unreasonable as long as the door is left open for the federal agencies to partner with another agency. AG Palmer states that the statues are written broadly enough that those determinations can be made when the request for grant is issued. The decision right now is whether or not to broaden it. If the Commission wants to broaden in there needs to be a statutory change. Commissioner Lambert likes the wording from Commissioner Jackson; he strongly supports partnerships with federal agencies. He also believes strongly that this is a pair made program and the root of the problem is that we are here to benefit the people that pay the money. Commissioner Baker does not see any reason to restrict the Commission from any opportunities, there is already the opportunity to deny something the Commission does not think the user groups would want in the award process. She likes the idea of opening it up so there are no restrictions, knowing it can be restricted in the awards process.

MOTION: Commissioner Elmore makes a motion that the Commission seeks legislation to alter the current statue for the section listed on page 16 of the January 15, 2015 meeting minutes, the second paragraph listed section A, Adopt regulations setting forth who may apply for a grant of money from the account of off highway vehicles and the manner, in which strikes such a person may submit and the application, and add in maybe submitted to the Commission. And sub paragraph one, strike person from the first line along with the other additions that are listed on that page. Seconded by Commissioner Richardson. The motion passes. Commissioner Jackson abstains.

Chair McKay states that we will return to Item 7, AB217, he would entertain a motion to oppose AB217 but would be receptive to changes that may allow the Commission to rescind the opposition.

MOTION: Commissioner Jackson makes a motion to oppose AB217 but allow the Commission the ability to rescind said motion if there are substantial changes to AB217 which meets the approval of the Commission; seconded by Commissioner Elmore. Commissioner Elmore offers a friendly amendment; he is concerned that it has to come back to the Commission for approval. He would like to designate a person to approve with the Chair's approval so the full commission would not have to meet again. Commissioner Jackson accepts the friendly amendment.

Commissioner Jackson restates his motion, the Commission will oppose AB217; but would allow its designated legislative person to revoke the opposition to the bill if substantial changes are made to the bill which would fit the criteria that the commission has already approved in an open meeting. Commissioner Elmore states that it is acceptable.

The motion passes unanimously.

18. APPOINTMENT OF LEGISLATIVE COMMITTEE OR LEGISLATIVE REPRESENTATIVE(S) FOR THE 2015 LEGISLATIVE SESSION

Commissioners will discuss and possibly vote on the option of appointing members to a legislative committee or the appointment of legislative representative(s) to assist the NCOHV lobbyist for the 2015 legislative session.

AG Palmer states if the commission elects a subcommittee then that subcommittee will have to agendized a meeting every time they want to take action. The benefit of a subcommittee is that it requires fewer members to create a quorum. If the Commission would like someone who can act quickly as things are changing without having to put a meeting together, then they need to authorize someone to do that and authorize how much authority that person has. Commissioner Jackson stated that the last time a subcommittee was used; there were 4 people on the subcommittee. They agendized two meetings a week and then cancelled them. They held an open meeting twice a week and that kept them in compliance with the open meeting laws and if there was nothing to discuss the meeting was cancelled. AG Palmer asked if legal counsel was at the meetings. Commissioner Jackson stated that legal counsel was notified of the meetings but did not always come. Scott Gerz, Nevada Trail Stewards, calls for a point of order. He asks if they are being notified of the willingness to break Open Meeting Law and circumvent the law in the past. Commissioner Jackson states no, they did not circumvent any Open Meeting Law; the meetings were posted, agendized, and available. Commissioner Lee suggests the Commission have one person.

MOTION: Commissioner Lee makes a motion to have one person designated to be the legislative representative and he nominates Chairman Greg McKay; seconded by Commissioner Gerow.

Commissioner Elmore asks if Chair McKay has the capability, if he wants to do it, and if he has experience. Chair McKay states that he does have the time, he is familiar with the process, and he thinks he can get a lot of expert advice on the process from our lobbyist. He also expects to have individual commissioners to assist him with their ideas. He has the process and with Peter Kurger's advice he feels comfortable with accepting the job. Commissioner Jackson states that he is a little trouble by this, since the Chair cannot make motions, if the Chair is the designated person and returns to the commission with a report, he cannot make a motion. AG Palmer states that it would be an agendized item and that does not mean that he has to make the motion. Commissioner Lambert feels Chair McKay would be well respected and well received; he is comfortable with him as the representative. Commissioner Elmore feels that it would be wise to pre-schedule; other commissions do so during the legislative session. AG Palmer states that the agenda has to be specific, it cannot state to discuss legislative issues. Commissioner Jackson states one of the issues that will come up and he will be precluded from helping and he has experience in this. When Ty Cobb wanted to get his first bill passed it was him who helped him do that. He has also shepherded several other bills through the legislature. He also has several contacts within the legislature. He feels that he would be a better choice for this position. AG Palmer states that there is not a quorum when there are two people, so one person is not precluded from giving Chair McKay suggestions. Chair McKay cannot go to each member individually and circumvent the Open Meeting Law. If someone has an idea to communicate to him, it can be done so long as there is not a quorum.

The motion passes unanimously.

Commissioner Richardson left the meeting.

14. PRESENTATION FROM THE DEPARTMENT OF MOTOR VEHICLES

The Commission will receive a report from a representative of the DMV on the status of NCOHV state registrations, and will review a sample reporting instrument for possible adoption that may satisfy the state audit recommendation for better transparency between the DMV and the NCOHV.

Doreen Rigsby, DMV, the total actively registered is 40,276 OHV's. For fiscal year total amount year to date February 28 DMV's revenue is \$301,641.00; OHV Commission is \$451,741.85. There is one day turn around. Commissioner Elmore states that there is 3 full time staff positions at 5% allocation, is that where the DMV expense and salaries come in? Doreen Risbsy, DMV, states yes.

16. TREASURER'S REPORT AND 2015 PROPOSED BUDGET

The Commission Treasurer will report on the NCOHV's account activity, including income and expenses and current bank balances. There will be a discussion of how the mandated law enforcement funding will affect the 2015 Budget. There will also be a discussion of past stipend expenses and their effect on the 2015 Budget. The Commissioners will vote on the proposed budget.

Chair McKay states January 1 to January 31 the beginning balance \$1,025,130.62; 1 credit from the DMV on January 22 for \$16,048.00; one expense for the secretary \$1,028.00; ending balance \$1,040,150.62.

February 1 to February 28 the beginning balance of \$1,040,150.62; two credits from the DMV, one on February 2 for \$19,988.60 and the second on February 13 for \$19,023.00; one expense for the secretary \$1,604.63; one expense for supplies \$86.09; ending balance \$1,077,471.50. Chair McKay has been working with the state person that supervises the budgets for board and commissions. Since the Commission is considering being hosted by another state agency, an accountant will possibly need to be hired to handle the books for the Commission. There will also need to be some accounts formed for the disbursement of grant funds? Chair McKay is working with him to create a budget that reflects those possible changes and that is the reason that there is not a budget to vote on at this time.

17. DISCUSSION OF ANY POTENTIAL CHANGES IN NCOHV ELECTION RULES AND PROCEDURES

Commissioners will discuss and possibly vote for changes to the rules and procedures for the election of NCOHV officers pursuant to NRS 490.068, prior to the next election cycle.

Commissioner Jackson states he wanted to make sure everyone was on the same page with the elections. In the past, anyone elected had to have 50% plus 1. The elections should be held in the month of March. Is there anything anyone wants to change from the last election? Chair McKay states the elections were held on May 28, 2014 due to several reasons. We are in the middle of legislature and he would prefer to hold elections in June after the legislature convenes; maybe make that more reflective of what the activity cycle usually is. Commissioner Jackson asks for clarification in the Chair McKay asks that elections be moved to June on a permanent basis. Chair McKay agreed. Right now the Commission is on a yearly basis and that is not normal; other commissions are on a two or four year basis. That could be a point for discussion. Commissioner Lambert thinks that two years is much better but four years is too long. Commissioner Elmore states that much of this will become clearer once the Commission is in a regular grant cycle and he also feels that two years makes sense. Commissioner Jackson does not think the terms can be changed in the middle of a term. After the next election, then it could be proposed to change the length of the terms.

MOTION: Commissioner Elmore to revisit the election of officers in June and that to extend the current officers terms from now until June 30th; seconded by Commissioner Jackson.

The motion passes unanimously.

A revisit to agenda item 16.

MOTION: Commissioner Elmore makes a motion to accept the treasurer's report and proposed budget as presented; seconded by Commissioner Jackson.

The motion passes unanimously.

12. PRESENTATION FROM THE BUREAU OF LAND MANAGEMENT

The BLM is in the process of revising several Resource Management Plans ("RMP") across Nevada. Leo Drumm, non-voting advisor to the NCOHV, will brief the commissioners on the RMP planning process and the process for the NCOHV to comment on the plans. Commissioners may vote to authorize the NCOHV Chairman to send a responsive letter to BLM Officials.

Leo Drumm, BLM, would like to provide a brief overview of the resource management planning process, what it is and what decisions are made and how to comment on them. The resource management plans, also called land use plans, are spelled out in the federal land management policy act and that came about in 1976. It states that BLM needs to do these large land use plans to help guide their management. They typically last for about 20 years. They are a big, long and involved environmental impact statement because the decisions made in these plans do have an impact on the resources. They guide future management actions and they are developed in an interdisciplinary approach, which means they address all resources and all resource uses at the time they are developing these plans. They are based on multiple use and sustained yield policies that are spelled out in the Federal Land Management Policy Act. There are very specific guidelines to what they are supposed to address. They get a group of diverse people together to talk about diverse projects and situations and not everyone comes away from the table very happy sometimes. They are happy to include the users, stake holder, local, state, and tribal governments in the developments of these plans. What decisions are come from a RMP are basically two; the desired outcomes, which is what they want to see the future hold for the landscape and then there is allowable uses and management actions. The desired outcomes are usually expressed in a term of specific goals and objectives. Allowable uses identify uses or allocations and the easiest one to relate to is an allocation of the OHV use which is open to unrestricted cross country travel, closed to motorized use or limited in some way. There are other allocations that they can make such as designing areas that would still be open to mineral exploration but have no surface occupancy. If they were going to drill for something they would have to come in horizontally. The management actions identify those actions that are anticipated to achieve the management objectives. The RMP process is an environmental impact statement so it has to be noticed in the federal register. They do not do these in secret, it is noticed in the federal register, and notices go out to everyone involved. The next process is public scoping. They will have public meetings, request public input, identify the issues that the public has and what their concerns are. These are usually around for 25 years so there are a lot of changes that have occurred and the public is very willing to tell them what their concerns are. After that, they take a look at the resource; it is called analyzing the management situation. They take a look at what is happening on the ground, a snap shot in time. What kind of management is going on and how that is working. From the public scoping and the analysis of the current situation, they develop alternatives. This is really the meat of an RMP, these various alternatives. There is a no action alternative which is existing now; there will be at least three other alternatives, one that may be a little heavy on the development side, one may be a little on the conservation side and one that is a balance of the two. He is using the sage grouse for an example only; the sage grouse plan currently has 7 different alternatives. Each one of those alternatives is a fully developed land use plan. It identifies issues and management actions to address the issues. Each alternative is going to be a little bit different. What takes so long in the development of the RMP is developing the alternatives and then each alternative has management actions. What they have to do analyze the impact of each one those management actions on very other resource and resource use. So there are probably about 30 different categories of resources and resource use. They go from air quality, geologic resources, soil resources, wild horse and burrow, wildlife, forestry, grazing, renewal energy, recreation, every one of the management actions has an explanation. The more alternatives they have the more analysis they have to do because they have more management actions that they have to compare to each one. That is one of the reasons that it takes so long to get these studies done. Then they go out for public

comment on the draft. What they are looking for in public comment period is substantive comments. They are looking for comments that show them that they erred in their assumptions and in their analysis, or where they did not consider something, or how that consideration might not have been fully developed. It is kind of hard for federal employees to look at these documents, let alone laymen that suddenly see this document that is 3 or 4 volumes with several thousand pages and they ask where to start. The first thing to know is RMP's are not novels and you don't have to start at page 1 and read all the way through. There are generally 5 chapters to a RMP. Chapter one is the introduction, which gives you the feel of why they are doing it; Chapter two are the alternatives, this is where you want to focus in on; Chapter 3 is the affected environment, that is what is on the ground now; Chapter four is the environmental consequences, this is the chapter where they are doing the analysis of all the different resources, the management actions, the effect of the management actions have on the resources and resource uses; Chapter five is consultations, there could be a map chapter, glossary, and/or a number of appendix. What you want to start looking at is the alternatives chapter, Chapter 2. These are all on line in PDF form. You can go and look at whatever you item you are interested in. Then go to Chapter 4 and see which management actions are effecting what you are interested in. Comment can be made on line. Chair McKay states that he has received some comments from Commissioner Baker and all of her comments will be included in a letter to the BLM. He has also received correspondence from the Off road business association which lays out their concerns and they seem to mirror our concerns. In the interest of time, if any commissioner has any item of interest in this process, please email all comments to Chair McKay and with approval of the Commission, he will send a letter to the BLM reflecting those concerns. Commissioner Baker states that the BLM lists a lot of the cooperative agents and she would like for the OHV Commission to be on that list. Leo Drumm, BLM, states the BLM accepts all comments and they address all comments. In the final EIS there will be an appendix that has every one of the public comments, who made them and how they were addressed.

MOTION: Commissioner Baker makes a motion to approve Chair McKay to put comments together and sends a letter to the BLM; seconded by Commissioner Lambert.

The motion passes unanimously.

13. NEVADA OFF HIGHWAY VEHICLE DEALERS' CONCERNS

Commissioner Gerow will report on the problems of (1) OHV dealers having to post separate bonds with the DMV and (2) individuals being denied tax credits when trading in used OHVs.

Commissioner Gerow states this is his 36 year as a dealer. As a dealer he is required to have a dealer license and a dealer bond; now with the new implication for OHV's he has to duplicate everything. This is making the established dealers pay extra fee's they really should not have to. A new off road dealer needs to be licensed and go through all of the proper steps that everyone else has to. For established dealers it is a redundancy, other than paying fees, he does not do anything different. The second item which is more important for the public, currently when a person purchases an ATV or any off road vehicle and you trade in your current off road vehicle there is no tax credit. In every other aspect, like a street bike one will receive a tax credit.

There is also tax credits offered for watercraft. It is tax money that people are paying that he does not think is right. Snowmobiles also do not receive a tax credit. In the past it was not big dollars but the units have become very expensive. A side by side just sold for \$25,000.00 and the trade in was almost \$15,000.00. Commissioner Elmore feels that the first issue is a legislative issue and there could be a motion for the chair to chase that issue. The second issue seems like a much bigger discussion. Commissioner Gerow states to his understanding the tax credit was based on a registered vehicle and now off road vehicles are registered. Commissioner Jackson states the tax issue is something that should be dealt with by the Commission; the issue with the bond is a dealer issue and should be dealt with by the dealer's commission. Doreen Rigsby, DMV, states at meeting held in Reno she was asked to look into the tax credit issue. The business part of the DMV does not regulate whether the tax credit can be done and she was referred to taxation. The only thing DMV does is filter the taxes. Commissioner Gerow asks in reference to how DMV classifies it as either a vehicle or non vehicle. Doreen Rigsby, DMV, states the destinations are there, it is defined as an off highway vehicle and one would take that definition to taxation for a tax credit.

MOTION: Commissioner Gerow makes a motion to pursue solution to the tax credit issue. Commissioner Griggs seconds the motion.

The motion passes unanimously.

19. PUBLIC COMMENT

No public comment.

20. NEXT SCHEDULED MEETING

21. ADJOURNMENT

Commissioner Elmore makes a motion to adjourn; seconded by Commissioner Jackson.
The meeting is adjourned.

Chair McKay states that he will send out an email for dates of the next upcoming meeting.

March 11, 2015
NCOHV Meeting

Charise Whitt from the Department of Public Safety, Office of Criminal Justice Assistance (OCJA)

In an effort to comply with NRS 490.069 3.b., which states, basically, that 20 percent of money left in the Fund as of January 1 of each year must be used for law enforcement as recommended by the Office of Criminal Justice Assistance, OCJA posted on its website the notice of Request for Funding Application (RFA) for OHV funding on March 2, 2015.

After several discussions and a review of the documents by Chairman McKay and Deputy Attorney General (DAG) Palmer, the application which is in Word format and the budget section in an Excel format were posted on the OCJA's website; e-mails were sent to OCJA's list of Nevada law enforcement agencies, the list of law enforcement applicants from last year that I received from Chairman McKay; and the State Grants Office forwarded the e-mail announcement to its list serve for public safety agencies. The documents were provided to the Commission's Secretary this week for posting on the Commission's website. Law enforcement agencies such as corrections, schools, courts, etc. were not notified of RFA.

The due date for applications was designated as April 10th, giving applicants six weeks to apply.

As the Commission will be dictating the parameters of the projects, the application was made to be simple and essential information was provided such as due date, approximate funding amount and a general timeline. You can see we utilized the same budget form which Commissioner Fischer and I worked on two years ago. Payment disbursements, length of projects, special conditions, etc., will, of course, be determined by the Commission.

It is OCJA's intent to have the applications reviewed and have discussions with peer reviewers no later than April 30th. This will enable OCJA to make recommendations to the Commission in early May.

OCJA will utilize staff experience with law enforcement projects to review and prioritize applications. Measures will be taken to obtain a few peer reviewers with law enforcement background that do not have a conflict of interest with applying agencies to assist in the review. As we use this method during our other grant processes, we have several reviewers which may be able to assist us and Commissioner Lee will work with us to make sure we obtain reviewers that do not have a conflict of interest with the applicants.

It is my understanding that Commission has/is/or will be discussing how they will be making awards and monitoring the projects and that OCJA will not be utilized for those tasks.

We are looking for projects which address law enforcement as it pertains to OHV activities. From previous discussions during OHV meetings, I take this to include enforcement of the laws, search and rescue operations, equipment requests, overtime requests. Are there any other topics we need to discuss here regarding the process?