



State of Nevada
Off-Highway Vehicles Program
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ohv.nv.gov

MINUTES -- MEETING OF THE COMMISSION ON OFF-HIGHWAY VEHICLES

Date and Time: Thursday, February 24, 2022 at 9:00 AM

Location: Meeting was hosted online at: <https://call.lifesizecloud.com/6678206>

Phone (audio only):

- United States: +1 (877) 422-8614
- Meeting extension: 6678206#

1. CALL TO ORDER – Chair Fell calls the meeting to order at 9:02

2. ROLL CALL OF THE COMMISSION MEMBERS

Commissioner	Appointed Representation
Philip Fell - present	Off Highway Motorcycle Racing
Maurice White- present	Nevada Association of Counties
Kevin Malone- present	Law Enforcement
Ken Ravago- present	ATV Riders
Vacant	Conservation Interests
John Glenn- present	OHV Dealers
Scott Spero- Absent	Snowmobile Riders
Brian Parks- Absent	Ranching Interests
Vacant	Sportsmen Interests

3. PUBLIC COMMENT

Public comment is limited to 3 minutes per person. The public may request that items be added to a future agenda. No action will be taken on any matter raised during the public comment period that is not already on the agenda. Persons making comment will be asked to begin by stating and spelling their name for the record.

Forum restrictions and orderly business: The viewpoint of a speaker will not be restricted, but reasonable restrictions may be imposed upon the time, place and manner of speech. Irrelevant and unduly repetitious statements and personal attacks that antagonize or incite others are examples of public comment that may be reasonably limited.

No public comment was issued at this time

4. REVIEW AND APPROVAL OF AGENDA *FOR POSSIBLE ACTION*– Philip Fell, Chairperson.

- Commissioner Glenn moves to approve the agenda, Comm. White Seconds, Motion Passed

5. REVIEW AND APPROVAL OF December 22-23, 2021, MINUTES *FOR POSSIBLE ACTION* – Philip Fell, Chairperson.

Draft meeting minutes: Unavailable

- Commissioner Malone moves to approve the Dec 22-23 Meetings Minutes until the next Commission meeting, Comm. White Seconds, None Opposed, Motion Passed.

6. **COMMISSIONER ROUNDTABLE *FOR DISCUSSION*** – *Philip Fell, Chairperson*, will provide an opportunity for commissioners to introduce any OHV topics that they encounter between meetings.
- Comm Ravago begins by recognizing the Commission and supporters who helped to establish the new staging area in Mesquite. Comm Ravago also expresses concerns over the recent break-ins and damage to staging areas in the Clark County Las Vegas area and wishes to recognize the hard work of patrolling officers in those areas. Additionally, Comm Ravago brings attention to the Tri-state ATV Jamboree event coming up March 16- 19, 2022 and recommends the commissioners join in.
 - Comm Glenn recognizes the Elko Motocross Club and the progress they've made by acquiring material to continue their project.
 - Comm Malone brings up that the owner of the land that the Fernley Sandbox Track resides intends to sell his property which may affect access to the public. The Mayor Roy Edgington Jr. is working with the city to possibly take over ownership so that it may remain open. Comm Malone recommends the Commissioners consider lending support to the cause. Right now, the city is discussing possible liability issues.
 - Chair Fell notifies everyone that he will be stepping down as the Commission's Chairperson. Chair Fell asks Nikhil Narkhede why grant paperwork has been delayed. Nikhil responds that the majority of January was spent reimbursing grant applications and that the hope is to have most grant paperwork moved to an online format. Nikhil believes it will be completed before the July grant cycle. Fell then invites Mathew Giltner to speak about his current projects.
 - Mathew Giltner informs the Commission that he has not seen any notice of the up-and-coming grant cycle in the summer. He requests an announcement be made for the benefit of the public. Mathew discusses the insurance policies of NVORA and other organizations. Mathew Giltner goes on to explain that NVORA is tracking and participating in over four dozen projects across the state including an event with the Kokopelli club and Tri-state club in Mesquite that he hopes won't interfere with the upcoming Tri-state ATV Jamboree event. Mathew asks Kim Murcia to speak on the Walker River Sustainable Recreation Partnership.
 - Kim Murcia is excited to see land managers, clubs, conservation groups, specialists recognizing the value of combined recreation. Kim speaks on the success they've had working with SHPO and the communication with other organizations. Kim talks about a Poker Run event at Pine Grove that they are planning with Desert Vets Racing, she's working with the Walker Basin Conservancy to help mitigate damages done to Wilson canyon and is taking part in the Rosachi Management Plan.
 - Mathew also notifies the Commission about the Nevada Off-road Summit on October 12-14.
 - Commission Glenn asks on behalf of another Commissioner in Elko about the ruling for titling equipment. If the equipment needs to be repurchased, would they be able to trade in old equipment to purchase new equipment? Would someone be able to just take the equipment?
 - Mathew Explains that the purpose of titling the equipment helps to prevent equipment from vanishing and that keeping a log of use and records of maintenance will help ensure the equipment is being used properly.
 - Comm White asks Mathew for clarification on why equipment has been titled to Mathew's organization. Mathew explains that they have exclusive operational use making them responsible for maintaining the equipment.
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 - The Commissioners and Mathew begin discussing potential logistic issues with lending large pieces of equipment to smaller organizations and problems they've had in the past with equipment being tracked improperly.
 - Nikhil asks about the purchase of equipment and whether it should be purchased in the Name of the Motocross club and then transferred or if they can use Mathew's exemption to make the purchase

now. Mathew says that he must be there in person in order to make sure everything goes smoothly, and paperwork is completed properly.

- Chair Fell takes a moment to say thank you to the members of the Commission, Mathew Giltner, Miles Gertler, and Nikhil Narkhede for the opportunity to learn from the commission, their consistent support, and the opportunity to serve the OHV community.

7. 2022 OHV GRANT PRESENTATIONS *FOR POSSIBLE ACTION* -- The Nevada Commission on Off-highway Vehicles will hear revisions to Grant Applicants that were awarded with contingencies during the December Grant Awards meeting

A. Tread Lightly! - Submit a revised budget for OHV grants if Recreation Trail Program grants are awarded.

- Danielle McNiven thanks the Commission for the tentative award and that she is excited to start working in Nevada. She presents the revised budget, the project plan, and informs the commission that Tread Lightly! has received the RTP they applied for as well.

- Comm Glenn asks if the Commission will be recognized for having provided funding. Danielle informs the Commissioners that they will be credited wherever possible. Nikhil mentions that adding an OHV Commission signature would be a good contingency in the policy.

- Commissioner White moves to approve the Tread Lightly! budget, Commissioner Ravago seconds, Motion Passed

B. MXT media - Submit a revised budget to use \$140,000 over two years to support OHV education marketing, and registration information.

- Lora Hendrickson introduces herself and that she works alongside the Department of Conservation and Natural Resources, Nikhil, and the Public Information Offices with Collin and Dominique to make sure there is a consistent image put forth in their advertising. She also informs the Commissioners about the Clark County Fair returning and that MXT media will have a booth. She presents the revised budget for MXT media with a focus on getting the logos trademarked.

- Comm White asks about the trademark registration and whether it will be in the Commission's name or MXT Media's name. Lora says that she is working with Nikhil to get an "in use" application. The ownership will most likely go to the Department of Conservation of Natural Resources, but it is currently being discussed. The Commission accepts the current logo to be trademarked.

- Ken Ravago asks about how digital marketing and social media marketing differ. Lora explains that the difference is between how advertisements are targeted and who is targeted by which ads. The Commission will be able to see the effectiveness of the advertisement in Lora's quarterly reports.

- Lora thanks the Commission for their time and consideration and states that she is available to assist with any projects the Commission is working on. She also notifies the Commission that she is looking for someone to participate in an NDOW ad.

- Commissioner White moves to approve the revised MXT media Budget, Commissioner Ravago Seconds, Motion Passed.

C. Nevada Mapping Collaborative, Great Basin Institute - Review completion plan submitted to OHV Commission at:

https://ohv.nv.gov/assets/etc/meetings/Plan_of_Completion_Draft.pdf

- Holly Smith and Kevin Dose thank the Commission and introduce themselves. Kevin introduces the Project Completion Plan for the Mapping Collaborative, the time frame they are working with, and to address the addition of single track and snow mobile tracks. He goes on to explain that this is a draft plan and should be collaborated with the Commission to meet their needs as well as the Mapping Collaborative.

- Holly explains that this project is designed to be a “live” database able to adjust, add, and remove maps as needed. The plan includes a way for the system to be picked up by the Department of Conservation of Natural Resources once the Mapping Collaboration leaves. There is estimated to be seven hundred miles of single track yet to be included.
- Chair Fell asks about the time frame for public comment on RMP revisions and how the Mapping Collaborative can present user provided data?
- Miles Gertler clarifies that in the RMP process they don't do specific trailhead destinations but focus on area allocations. Holly's data will be useful for preventing trails from being damaged or removed during the RMP process. As it stands, the trail data Holly has collected has a lot of importance to the community and power to protect the trails.
- Chair Fell asks whose responsibility it is to make sure that the data is being considered. Miles says that the Commission can put themselves down as an interested party and will be able to help out with RMP decisions.
- Chair Fell asks Holly if she is currently monitoring these trails for when involved projects come up. Holly explains that the Mapping Collaborative has been focusing on getting the maps completed and keeping them up to date. Chair Fell is concerned about the accessibility of the trail data and is interested in getting more user provided data available.
- Heather Giger comments that trails on BLM's open designated areas can be published and will become useful once the open area is turned into a limited use area. Miles confirms that there are thirty-four million acres of open area to be considered.
- Heather Giger and Alyse Jolly State Parks are concerned about posting unauthorized trails that could lead trail users to cultural resources areas and sensitive habitats. Miles clarifies that anywhere that is designated as an open OHV area can be freely and legally used by the public. Heather requests a revision to better states this clarification to the public. Alyse Jolly asks for clarification on how areas are designated and if SHPO has been involved in the decision process. Miles clarifies that these are RMP level decisions, SHPO is involved, and that there is a followed protocol in place. Holly states that she will work with RTP and BLM to revise the draft and clear up the misconception of unauthorized routes.
- Comm White asks if seasonal trails are included into the Mapping Collaborative database. Holly confirms that seasonal trails are included.
- Comm Glenn asks if the Commission's comments on BLM trail planning an actual impact on decisions have made. It is discussed and agreed on that by representing and organizing such a large community garners a lot of respect from BLM and other organizations.
- Comm White asks Anthony Walsh, DAG if the decision to approve the Mapping Collaborative's plan be put off until it is fully revised and presented in the next meeting. Anthony Walsh agrees. Nikhil recommends that the Commission open the grant funding so that the Mapping Collaborative may continue to work while making the necessary revisions. Kevin informs the Commission that the Mapping Collaborative that this grant will be necessary to continue functioning.
- Comm White asks if they can authorize the release of grant money based on the rest of the revised grant so long as the discussed section is revised and reviewed at a later time. Anthony confirms.
- **Comm White moves to approve the Great Basin Institute Mapping Collaborative Project Completion Plan with the exception of second paragraph of page two that will return after appropriate language is included, Comm Glenn Seconds, None Opposed, Motion Passed**

8. POLICY CHANGES AND SUGGESTIONS *FOR DISCUSSION* -- The Commission will discuss potential changes to OHV Grant agreements, Nevada Revised Statute 490, and grant monitoring policies. A working document of possible discussion topics is provided at:
https://ohv.nv.gov/assets/etc/meetings/Policy_Adjustments_Notes.pdf

- Nikhil introduces a list of concerns made by Comm White with a few additional topics. Comm White asks Nikhil and Anthony to lead the discussion. Nikhil introduces the first topic "Employees hired as a result of OHV grants should be notified upon application that the position is subject to grant availability." Chair Fell wants to know how the role of an employee can be clarified using the Recreation technicians as an example. Nikhil explains the Recreation Technicians are representing the grant program. Comm White recommends that it should be required in the grant documents that any employees hired by grant recipients must be explicitly notified of the possibility of grant funding becoming unavailable.
- Nikhil Introduces the next topic on "Creating a max wage ratio the grant can be used for." Comm White explains that some of the grants appeared to have excessive wages and less money focused on the projects themselves. The Commissioners discuss the difficulty and necessity of limiting wages on grant applications. It's discussed that it may be wise to add this consideration into the grant application. Comm Malone mentions that certain programs may be restricted more than others because of this decision. The Commission discusses adding a section to the grant that requires the applicant to justify the requested wage. Anthony agrees and adds that the Commission is fully capable of making those changes. Chair Fell mentions that he would like to avoid putting too many regulations on the grant application which may cause issues further down the line.
- Nikhil introduces the next topics of "Requiring the applicant to call out the % of NRS490 activities vs. non NRS490 activities." and "Requiring quarterly reports that include the amount of NRS490 time vs. non NRS490 time." Nikhil and Comm White have previously discussed that currently there is no way to vet applications to ensure they are spending their time appropriately. Comm Malone explains how it is currently being handled. The Commission agrees that the time spent on OHV related tasks and non OHV tasks should be recorded separately. The Commission discusses how DUIs relate to OHV laws. The Commission revisits a topic of if Law Enforcement counts as quality improvement for OHV sites. Comm Ravago leaves to catch a flight.
- Nikhil introduces the next topic of "Requiring quarterly reports to include LEO in-kind volunteer time." Comm Malone describes how his officers volunteer their time to various grant projects." Chair Fell asks how in-kind volunteer time is currently recorded. Nikhil explains that in-kind volunteer time is documented and signed by participating individuals. Nikhil explains that more difficult to track items are subcontractors and race gates. Comm White asks about the dollar value of in-kind volunteer time. Nikhil answers that volunteer time is based on a national non-profit value, but specialized tasks are placed at a higher value.
- Nikhil introduces the next topic on "Requiring OHV Commission branding on all projects, vehicles, trailers, equipment etc." It is discussed that doing so will make the administrative code stronger. Comm Glenn mentions that partnered brands want to see what their money is going to. Chair fell is concerned that some land managers may restrict posting of OHV stickers on their signage. Comm White suggests "unless a land manager prohibits" to the wording to prevent these problems. Nikhil states the requirements to make the necessary changes to the grant application. Chair Fell brings up that it may also be time to modify the NRS as well. Nikhil is creating a list of what can be done through NAC and what can be done immediately.
- Nikhil introduces the next topic "Do not fund Admin Fees." Comm White discusses the concerns about where administration fees come from and why they're so much. The Commissioners discuss current grant applications and the attached admin fees. Mathew suggests that a percentage cap or a dollar amount be put in place to limit excessive admin costs. Comm White suggests that the administrative fees be justified. Comm Glenn doesn't like the idea of using a percentage limit. Chair fell asks how administrative costs are reported. Nikhil explains that organizations use ten to twenty percent of direct costs to cover administrative fees. He goes on to explain that how the admin fee is used is not tracked. Comm White asks if a tracking process be installed instead of a direct limit. Nikhil and Comm Glenn

believe that the admin fees shouldn't be tracked. Comm White says the Commission needs a mechanism to prevent the commission from becoming arbitrary. Nikhil suggests that a limit on admin fees be put in place with the exception of the purchase of hard goods where there would be no admin fee at all. Anthony believes that this issue can be solved by creating a regulation change where the Commission may negotiate administrative fees. Mathew suggests a percentage cap that is not to exceed a certain amount of money. Kim asks if the Commission has the power to review a grant if it is questionable. Chair Fell suggests that this topic be brought up in a future NAC meeting.

- Nikhil introduces the next topic on "Providing a checklist to ensure the application is complete." Nikhil states that he is working on a more simplified grant with a checklist to be made available online. Mathew is surprised that certain projects were approved. Nikhil asks if incomplete grants should be completely rejected. Nikhil explains that applicants that applied earlier were able to be reviewed and revised before the deadline and many applicants applied closer to the deadline. Comm White asks if the time between opening the application and the deadline should be increased. Chair Fell believes the issue is an educational one. Comm White believes that the last round of grants were egregiously incomplete and should have been disregarded. Chair Fell believes that the Commission is now in a better position to turn away incomplete grants. Nikhil explains that if an application is incomplete or incorrect, then he must send it back and explain what was wrong so that it may be revised. It is agreed that the application should be sent back with a complete list of problems to be revised.
- Chair Fell introduces the next topic "For applications that do not qualify for NRS490 grants provide a list of alternative grants that might help the applicant." Mathew states he has a completed list of alternative grants. Nikhil states that a list of alternative grants will be included on the website. Kim is excited to hear multiple organizations are putting lists together. Comm White asks Kim if she finds the application process over complicated or burdensome. Kim believes the grant program is easy to understand and work with, but she has concerns about accountability.
- Chair Fell introduces the next topic on "Requiring applicants to provide documentation of non NRS490 funding that will be used to complete the project. (i.e., GBI application for trail maintenance that had other funding they didn't mention)." Comm White is concerned about grant applications having multiple sources of funding and not being aware of where that money is going. If OHV money is going into a larger project not related to NRS 490, then they need to know where the 490 money is spent to make sure it's used appropriately. Chair Fell asks if it's out of line to ask for details on grants with multiple funding sources. Comm White asks Anthony if the Commission can legally require an applicant to notify the Commission what the whole scope of a project is. Anthony answers that it would best be built into the NAC but there is nothing preventing them from asking. The Commission discusses the potential of making this a requirement. Kim believes land managers will be receptive to this idea.

9. PUBLIC COMMENT

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Kim Murcia, NVORA appreciates the Commission.

Comm White reiterates that most of the topics discussed have come from himself because he believes the application process has been too loose in the past. Though he doesn't want to make the application excessive, he wants to return to the legislation intention.

10. ADJOURNMENT *FOR POSSIBLE ACTION* – Philip Fell, Chairperson may adjourn the meeting.

NOTICE: Items on this agenda may be taken in a different order than listed, combined for consideration, or removed from the agenda at the discretion of the Chair. Notice of this meeting was posted on the Nevada

Commission on Off-Highway Vehicles Website at: <http://ohv.nv.gov/commission> and <https://notice.nv.gov/>

We are pleased to make reasonable accommodations for individuals with disabilities who wish to attend the meeting. To request special accommodations or assistance at the meeting, please notify our office by writing to the Off-Highway Vehicles Program, 901 S. Stewart Street, Carson City, NV 89701; or by calling 775-684-2794 no later than two (2) working days prior to the scheduled meeting.

Please contact Nikhil Narkhede at: 901 South Stewart Street, Suite 1003, Carson City, Nevada 89701; nnarkhede@ohv.nv.gov; or 775-684-2794 to obtain support material for the agenda. Materials will also be posted on the <http://ohv.nv.gov/commission> website.

Nikhil recommends the next meeting be held near the end of May and open the sixty-day grant period so grants can be awarded in July. The Commission discusses when the next meetings should be held. Mathew suggests having another open forum to assist future grant applications. Chair Fell believes there should be two more meetings beforehand. The Commission decides a tentative April 5th and April 12th, 2022. Malone asks if a vote for a new Chair should be in the next meeting. The Commission agrees.

Comm White moves to adjourn, Comm Glenn seconds, None Opposed, Motion Passed.