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Nevada Commission on Off-Highway Vehicles
Greg McKay, *Chair*
Sue Baker, *Vice Chair*

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

Date and Time: Wednesday June 10, 2020, at 9:00 AM

***This meeting will be held via teleconference only. ***

Pursuant to Governor Sisolak's March 22, 2020, Declaration of Emergency Directive 006, the requirement contained in NRS 241.023(1)(b) that there be a physical location designated for meetings of public bodies where members of the public are permitted to attend and participate is suspended in order to mitigate the possible exposure or transmission of COVID-19 (Corona Virus). Accordingly, anybody planning to participate in the meeting must participate by using the teleconference number.

Teleconference numbers to listen and participate in the meeting are listed below:

Please call one of the two numbers below and follow the prompts to enter the access code. For the general public, please MUTE your phone while listening to the meeting, except when making public comment.

USA Toll-Free:	888-204-5984
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ACCESS CODE:	7580217

Web Host: meet.google.com/wfz-wwfg-jqk

1. CALL TO ORDER – OHV Chairman, Greg McKay Calls meeting to order at 9:02 AM.

2. ROLL CALL OF THE COMMISSION MEMBERS

Commissioner Greg McKay – Snowmobile Riders - **Present**
Commissioner Sue Baker – Nevada Association of Counties - **Present**
Commissioner Kevin Malone – Nevada Sheriff's and Chief's Association - **Present**
Commissioner Charlie Cox – ATV Riders - **Absent**
Commissioner Kevin Hill – Conservation Interests - **Present**
Commissioner Philip Fell – Motorcycle Racing - **Present**
Commissioner Brian Parks – Nevada Department of Agriculture - **Present**
Commissioner Eddie Booth – Nevada Sportsmen - **Absent**
Commissioner Michael Gerow – OHV Dealers - **Present**

Ex-Officio members

Bureau of Land Management, Miles Gurtler - **Present**
Humboldt-Toiyabe National Forest, Sierra Brewer - **Absent**
Nevada Department of Wildlife, Matt Maples - **Absent**
Nevada Department of Motor Vehicles, Yvonne Young Brown - **Absent**
Nevada Department of Tourism and Cultural Affairs, Devon Blunden - **Absent**

3. PUBLIC COMMENT

Public comment will be taken at the beginning and end of the meeting and may be taken at the discretion of the Chair on agenda items listed for possible action. Public comment is limited to 3 minutes per person. The public may request that items be added to a future agenda. Comment will not be restricted based on viewpoint. 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.

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- Melanie with Nevada Outdoor School, and Robert Adams of Pahrump are on the line. No other public comments are entered

4. REVIEW AND APPROVAL OF AGENDA ***FOR POSSIBLE ACTION***– *Greg McKay, Chairman.*

- No comments on agenda. Discussion for the statewide safety course will be taken out of order.

5. REVIEW AND APPROVAL OF June 10, 2020, MINUTES ***FOR POSSIBLE ACTION*** – *Greg McKay, Chairman.*

- Commissioner Baker asks about using USFS Purchased equipment for non-motorized trails. Miles confirms that the machine can be used by BLM operators after they attend the USFS approved training

- Comm Baker makes a motion to approve minutes, Comm. Fell Seconds. Motion passes.

6. STATEWIDE YOUTH SAFETY COURSES ***FOR POSSIBLE ACTION*** -- *Commissioners Sue Baker and Kevin Malone* will provide an update on the creation of a statewide youth safety course including content, incentives, and mandates.

- Melanie Erquiaga with Nevada Outdoor School presents the attachment provided on the OHV website:

[Nevada State Children ATV Certification Program](#). She has gathered information from partners at the NOHVCC conference over the past year. The first hurdle is to make the safety course NRS mandated, and without it being law, there will be no significant participation. There is concern about the return on investment imposed by preparing the coursework but not having a state mandate. The majority of surrounding states have a statewide safety course and counties can make these mandates at a smaller ordinance level.

- Melanie recommends a two part program, a 4 hour in person hands on course as demonstrated by North Dakota and Idaho. She recommends a 2 hr online and 2 hr in person distribution of time allocated to the training.

- Melanie and the HCSO have seen a decrease in participation in their ATV/OHV safety courses. Commissioner Malone adds that participants do not want to sit in the sun while kids attend the course. He wants to change the host location. Miles suggests using the Sand Dunes Staging area as a possible course location. Discussion about prearranged locations around the state and the site suitability ensues. Melanie wants to see statewide logistics support for the program. Oregon uses ATV Safety Institute Training through contracts for the curriculum. Discussion about OffroadNevada Coursework could be implemented in the program. Links provided in handout.

- Riders to be 16 with a license to ride on city streets.

- How often should the course be required? When does it expire?

- When should the course be delivered? It should be linked to the OHV Commission Site where NOS can support the build.

- Consider how the course would be funded, how many trainers would be hired to support the program? Training levels would vary from NOS staff, HSCO deputies, and 4-H leaders.

- South Dakota uses "Fresh Air Educators" to build their OHV Safety Materials.

- One way to sell the idea to legislators is because all the neighbors are doing it.

- The number and types of machine should be discussed? Where would they be stored? Who would have access to storage?
- Provide a youth focused course but require a master trainer certificate prior to providing the training. Provide training for other agencies.
- Fee or Free? \$30 is proposed. Any insurance discounts?
- Nikhil asks about the course content and how much conservation education like Tread Lightly! Will be included in the OHV Training? Melanie supports using the TL! Materials to be integrated in the coursework.
- Commissioner Fell likes the Oregon Free training and asks about OHV Instruction vs OHV Safety. It is not the state responsibility to provide ATV Instruction, only to encourage safety and TL! Principles through online coursework. Melanie says there is value in hands on training, and operation of the machine. Comm. Malone also advocates for hands on training due to yearly experiences in Law Enforcement. The ASI and MSF courses are basic training for beginners. Comm. Fell says the in person course can be optional but should not be mandatory. Comm. Malone says the course should be similar to the Hunter Safety Course. Before you hunt, you must complete the course. Overtime the program should grow.
- Comm. McKay asks for input from other commissioners.
- Comm. Gerow asks about guidelines for age vs size of the machine and provides an example. Melanie clarifies that the training should be size specific, not age specific with an inventory of machines that are best suited. Comm. Gerow clarifies that a 12 year old can only be sold a 90cc machine with a weight limit. This debate would require changes to federal laws.
- Comm. Gerow agrees with Comm. Fell, supporting an optional online course with no in person training or mandated coursework. Comm Gerow does not support a mandated course.
- Miles suggests speaking with the state insurance commissioner. Will SxS be included in training?
- ATVs and Dirtbikes would be the focus of this training program.
- Comm. Parks does not have a strong view on the subject, but does support soliciting an insurance discount.
- Comm Hill leans towards a mandatory program but questions liability to the state. How did volunteer programs fare in neighboring states? Melanie does not have an official answer on the subject.
- Craig Burkett, General Counsel, explains that training results are protected under qualified immunity. Issues arise from negligent training or blatantly inappropriate behavior are subject to legal action. Also issues that occur during the training could result in legal action.
- Comm Baker wants to get more support from the commissioners before diving too deep. The online training provided in Utah is worse than the previous in person options. How should the course be mandated? Should OHV Friendly communities have support from state training programs and use them as a resource for youths riding in town? She references use of basic hand signals as example for course content. It should be focused on OHV Operations in communities, not on trails.
- Comm. Gerow references a failed OHV registration program due to lack of enforcement. How will you enforce who has been trained? Melanie clarifies that the course is geared towards 6- 16 years of age.
- Comm. Malone explains the course is geared towards the majority of users. While he is against on road operation, it is allowed by law.
- Comm. McKay asks for commissioners to share their general views to see if the course should be mandated:
 - o Gerow – Extremely Voluntary
 - o Parks – Voluntary
 - o Fell -- Voluntary, but mandatory onroad in OHV friendly communities
 - o Hill – Mandatory but wants to know of success of voluntary programs from other states
 - o Malone – Mandatory unless they are offroad only.
 - o Baker – Mandatory unless they are offroad only. Wants to see evolution of neighboring states. Does the commission support the program?
 - o McKay – Voluntary, but mandatory onroad in OHV friendly communities
- Melanie will followup with 11 states and provide a feedback with a supporting document. She wants NOS to be the OHV training resource across the state.

- 7. SILVER STATE OFFROAD ALLIANCE UPDATE *FOR DISCUSSION* - Paul Quade and Mathew Giltner, SSORA, will provide an update on grant project (20-08) and the development of the organization.**
- Paul Quade clarifies the requirements of Nevada Hunter Safety Courses and suggests turning to manufacturers and retailers to participate in providing equipment for the OHV Safety Course. While parents are waiting they can hear about registration requirements, helmet laws, and other best practices.
 - SSORA updates include: hiring a new outreach coordinator with an equestrian and Dunes background. First mailings and newsletters are being deployed to introduce SSORA to the OHV community. Positive responses from government and retail businesses. More outreach includes communication with legislative delegates and local OHV Clubs. Priorities remain on seeking out 5 OHV user group applications for trail maintenance projects for the 2021 grant round.
 - Commissioner Malone approves SSORAs help over the past year.
- 8. PROPOSED REGULATION CHANGES COMMENT PERIOD *FOR DISCUSSION* -- Commissioners and public have opportunity to provide new comments and review draft language for proposed changes to OHV regulation in Nevada.**
- Nikhil describes results from the last OHV NAC Workshop resulted in no new language changes.
 - Comm. Fell asks Robert Adams about the competition exemption for registrations. How are registrations addressed for riders that are out on practice days and racers coming in from out of state? Comm. Fell understands that race organizations will have a difficult time receiving grant funds to maintain race venues if they are exempt. He wants to know if it is best to keep the race exemption or if racing should require the OHV permit and be eligible to receive grant funding.
 - Comm. Gerow says most racers are not participating in the OHV Registration program. Paul adds that competition riders and plated 4wd users should have a commission seat and be required to participate in the registration program.
 - Comm. McKay provides the united message from the OHV Commission that racing organization should no longer be exempt from the registration sticker.
 - Comm. Malone thinks enforcing the sticker at a race will be difficult. This can be enforced during the tech inspection by the Race Promoter.
 - Paul clarifies that the next bill should eliminate the option to be a "free rider" where any motorized user is exempt from the OHV sticker. He describes in detail the need to capture OHV sticker funds through plated machines operating offroad, out of state users, and the resulting use of the OHV grant dollars. OHV dollars should remain protected by the separate fund that does not draw from a gas tax or any other funding source. Discussion ensues about when a plated vehicle should require an OHV Sticker. Paul explains in detail that OHV stickers should be required when in designated OHV areas.
 - The gas tax receives a general negative feedback from all participants. There will be no inclusion of a gas tax in the next OHV request.
 - Nikhil explains that keeping one annual use sticker hosted by a third party is the best way to proceed. If you ride an OHV in Nevada, you buy a sticker. Chasing a gas tax or anything other burdens to the state leaves the program vulnerable for negative actions when the state is in financial trouble. We need the OHV Fund to remain out of the general fund accounts and the easy to obtain sticker should be a source of pride for OHV users. While it should be on your OHV one can also be purchased for your tow rig, hauler, crawler, overland vehicle, etc. Comm. Park agrees.
 - Mathew adds that grant program priorities should be clearly defined before the grant round is publicized.
- 9. CALL FOR AGENDA ITEMS AND DATE, FOR NEXT MEETING – Greg McKay, Chairman**
- Commissioners may at this time recommend agenda items, dates and locations to the chairman for the next meeting. No deliberation or action will be taken on any information presented until the matter itself has been specifically included on the agenda as an item upon which action may be taken.
- Comm. McKay asks for agenda items before June 24. Nikhil clarifies that the commission meeting will remain separate from the NAC workshops. He recommends an August meeting and time to discuss grant priorities so the commission can release a grant application. He recommends a meeting in the second week of August. August 19, is decided for the next OHV Commission

Meeting with agenda topics to include: grant scoring, program update, financial update, and others.

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- Commissioner Fell wants to consider adding a representative from the RTP program so there is more cohesion with the federal fund program. Comm McKay asks for a 1 page report from

11. ADJOURNMENT ***FOR POSSIBLE ACTION***-- Greg McKay, Chairman

- Commissioner McKay Adjourns 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 also 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.