



## **FINAL MEETING MINUTES OF THE COMMISSION ON OFF-HIGHWAY VEHICLES**

**Date and Time: Tuesday, August 28, 2018, 1:00 pm - 4:00 pm**

**Location: This meeting was held in Carson City, NV, 401 South Carson Street, room 1214. The Las Vegas location is 555 East Washington Avenue, room 4412E.**

### **1. CALL TO ORDER**

### **2. ROLL CALL OF THE COMMISSION MEMBERS**

Commissioner Greg McKay - Present  
Commissioner Sue Baker - Present  
Commissioner Kerry Lee - Present  
Commissioner Charlie Cox - Present  
Commissioner Kevin Hill - Present  
Commissioner Sean Berryman - Present  
Commissioner Brian Parks - Present  
Commissioner Eddie Booth - Present  
Commissioner Michael Gerow - not Present

### **3. PUBLIC COMMENT**

No Public Comment

### **4. REVIEW AND APPROVAL OF AGENDA \*FOR POSSIBLE ACTION\* - Greg McKay, Chairman. Chairman moved MXT media earlier on the agenda. Motion to approve by Commissioner Cox, seconded by Commissioner Hill. Motion Carried.**

### **5. REVIEW AND APPROVAL OF June 12, 2018, MINUTES \*FOR POSSIBLE ACTION\* - Greg McKay, Chairman. Motion to approve by Commissioner Baker, seconded by Commissioner Berryman. Motion carried.**

### **6. FINANCIAL UPDATE – Kelly Williams, ASO, DCNR, Jenny Scanland, Executive Secretary, DNCR. No comments on the financial update.**

### **7. COMMISSION VOTE TO ALLOW A COMMISSIONER TO SERVE ON THE CLARK COUNTY OHV ADVISORY COMMITTEE AS NON-VOTING ADVISOR \*FOR POSSIBLE ACTION\* – Vice Chair Commissioner Baker, Jenny Scanland, Executive Secretary, DCNR. Vice Chair Baker presented the request by Clark County to have a State OHV Commissioner serve on this committee. The Commissioner chosen by the OHV Commission would serve on that committee. The goal of the committee is to meet and advise the Clark County Board of Commissioners on ways to protect promote and enhance off-highway vehicles recreation in southern Nevada. All the other seats are full. Nomination by Commissioner Lee**

to have Vice Chair Baker serve on the Committee. Commissioner Booth moved to close the nomination. Vote occurred to have the Vice Chair Baker to serve on the Clark County OHV Advisory Committee as a non-voting advisor. Motion carried.

- 8. UPDATE ON OHV GRANT PROGRAM** – Jenny Scanland, Executive Secretary. Current grants status spreadsheet was provided. All projects are moving forward as planned. Fire season and new employees have caused some projects to be delayed, but they are still moving forward satisfactorily. 2019 Request for Applications went out in July. Joint Grant Training with the Federal Recreational Trails Program is occurring Oct 1-4<sup>th</sup> around the state. Survey for NRS changes closes end of September, over 700 complete surveys at this time with some Counties and Cities planning to submit comments. Recommendations will be complete before end of year. National Off-Highway Vehicle Conservation Council Conference was attended by staff. This conference is to be held in Reno in October of 2019. The OHV Summit in Ely, NV will be held November 1-3, 2018. Ride is the 3<sup>rd</sup>, sponsored by the local ATV club. Commissioner McKay asked if there has been any response from the Elko County Commissioners concerning their interest in continuing the Silver State OHV Trail north through their county. Scanland stated that there has been no response to date. Staff hopes that staff and mapping team meetings with the BLM, Forest Service, clubs and non-profits in Ely may result in signing and mapping grant applications in November. Joshua AG stated that the Commission may attend the Summit as Commissioners, but cannot deliberate on anything that might be brought to the Commission at a later date. Discussion ensued on potential speakers, the agenda is draft at this time, but will go out to Commissioners as soon as it is confirmed.
- 9. COMMISSION VOTE TO ALLOW ALL COMMISSIONERS TO ATTEND THE FIRST ANNUAL OHV SUMMIT IN ELY, NV NOVEMBER 1 - 3, 2018 \*FOR POSSIBLE ACTION\*** – This event is open to the public, includes workshop and speaker format. There will be no Commission business and it is not subject to open meeting law - Jenny Scanland, Executive Secretary. Motion by Commissioner Berryman to allow Commissioners to attend and be reimbursed, seconded by Commissioner Booth. Motion passed.
- 10. MXT MEDIA PRESENTATION OF GRANT AND REGISTRATION MARKETING** - Presentation of progress by Lora Hendrickson of MXT Media for the Clark County partnership as well as the NV OHV grant project. Lora Hendrickson, MXT Media. Moved to after financial update. Discussion ensued. Chairman McKay asked that the old grants be placed on the website and progress of new. Jenny Scanland responded that the 10 projects were chosen from current grants and videos made to inform the public and are online. In response to question by Commissioner Booth, there are 100 – 300 visits per day to the website. Commissioner Hill asked if Tread Lightly education and environmental education were a part of the social media and website. Jenny Scanland stated that Tread lightly has a current grant and that they are attending an upcoming registration event. The current contract with Clark County is explicitly for increasing registration numbers. The State OHV grant is focusing on marketing the grants program and continued building of the trail map page. Rural counties are soon to receive a focused media effort in communities where projects are occurring. Lora asked the Commission to please use their own social media to share the posts. Kerry Lee stated this was the best thing we have done to date. Lincoln County Tourism is now working with Lora as well.
- 11. EDUCATION/DISCUSSION: LARGE ATV STICKER VS STREET LEGAL** - Vice Chair Commissioner Baker. Street Legal component; Nevada doesn't have a street legal OHV, in Nevada it is the equivalent of the requirements for a car. The large ATV sticker doesn't allow ATV's to drive on all roads as street legal such as in some other States. Vice Chair asked if staff could explain further to assist with the confusion. Scanland: Whether it be a plate or a sticker, both are just the method by which it is attached to the ATV. In Nevada if you want to be street legal, you must meet the requirements of the DMV NRS 484 which is in the supporting materials. This requires quite a lot of

*changes to the ATV. You would then no longer register as an OHV, you would be licensed as a motor vehicle. Where the confusion comes in is in the NRS that allows OHV's to ride on the street or not.*

*In Arizona, on their website, it states that if you have a PLATE, on your OHV, it only proves that your OHV is titled, it does not in itself allow you to ride on the street or on public trails. What allows AZ to drive on all the roads is the fact that AZ has an AZ code that allows that. Then each local jurisdiction can pass resolutions refining which streets are legal and which are not. Each State has their own street legal definitions.*

*In Nevada we do not have an OHV street legal statute. We have NRS that states you cannot drive on an interstate; that you cannot drive on a paved State highway unless the local jurisdiction has passed a resolution allowing you to do so. In Nevada it is based on the resolution passed by each jurisdiction.*

*Vice Chair Baker stated that in Clark County, OHV friendly Moapa Valley had to list every road in their jurisdiction to allow OHV's to ride on them because the DA there said that they could only drive on all roads within 2 miles of trail. They excluded every road that was not within 2 miles of a riding area. Vice Chair stated that the DA said that "the county can be more restrictive than state law, but not less". Scanland stated she could not give interpretation of the law that the AG would have to do that. However, is states in NRS that the local jurisdiction can pass a resolution to designate roads for OHV use working with NDOT.*

*Discussion ensued with questions on the results of the NRS survey to the public and municipalities. Scanland stated that "we don't have that answer now, that is why we are doing the survey and we will have that after it is analyzed". The survey closes end of September and analysis will occur this winter with recommendations to the Legislative Council Bureau before end of this year. Current results are showing that respondents understanding of the NRS's is varied. Staff believes that rewriting of the NRS should occur and should be straightforward and succinct in order to alieve confusion and multiple interpretations. Commissioner Baker stated the importance of making the NRS as clear as possible in regards to the large OHV's and legality of driving on paved roads. Deputy Director DCNR Dominique stated that while is it confusing, it is covered adequately in the statute; there is opportunity to have local jurisdictions make determination; and clarification is needed in terms of the distinction between highway, paved highway, unpaved county road, etc. Scanland: This is what the survey is trying to analyze and it will be completed by the end of the year, it cannot be answered today.*

- 12. EX-OFFICIO MEMBER UPDATES. DISCUSSION ONLY.** *Troy Jorgenson USFS update: Merritt Mt. OHV signage project has not burned over as of yet in the current wildfire. Leo Drumm, BLM, the BLM campground was completely burned in that fire. The NOHVCC report completed for the BLM is done and they are developing the action plan for the state. This includes trailhead signage maps and should be complete around March. The ATV safety institute is working with the BLM to find training sites for our state. Scanland asked Drumm if there was an opportunity for the NV OHV program to assist in funding interns with the BLM to complete the mapping as needed to move transportation planning forward. Drumm stated that they already have those interns in place. The issue, Drumm stated, is that until we have the travel planning process done the BLM cannot give out the data because there has not been an analysis completed. The need is for funding to catch up with the need to produce travel plans. Scanland described the public safety need and asked that if routes are on the current printed map, can the mapping coalition post those trails online? Drumm: you can confirm those routes and can absolutely publish those maps. Scanland: the team is moving forward on these routes. On the BLM areas in which travel plans are complete in White Pine County, the team has that data and is moving forward, always confirming with the land manager prior to publishing. As the transportation plans are complete, the team intends to follow right behind in assisting land manager to apply for grants to sign those routes. Drumm: I applaud your mapping project, because if you wait for our plans to be done it will be into the next century, so go for it. The latest on the plans for Carson*

*is before the end of the year, Southern NV sometime the summer of next year under the accelerated NEPA process. Then they can start doing travel management plans. Update from Chairman McKay that the BLM is currently competing an analysis of how to streamline the permitting process.*

**13. CALL FOR AGENDA ITEMS FOR NEXT MEETING.**

*Regular Meeting of the Commission is scheduled for December 11, 2018. It will be located in Carson City. Grant application review and awards are scheduled for this meeting. Scanland requested that out of town commissioners find out if there is video conferencing available for a meeting in October if necessary. Commissioner Cox requested that it be the end of October.*

*Commissioner recommended agenda items for the next meeting: grant review and award. Commissioner Hill requested that at future meetings an update on NOHCCC Conference in Reno occur.*

**14. PUBLIC COMMENT**

No public comment.

**15. ADJOURNMENT \*FOR POSSIBLE ACTION\*** Motion to adjourn made by Commissioner Booth, seconded by Commissioner Hill. Motion passed.

Please contact Jenny Scanland at: 901 South Stewart Street, Suite 1003, Carson City, Nevada 89701; [jscanland@ohv.nv.gov](mailto:jscanland@ohv.nv.gov); or 775-684-2794 to obtain support material for the agenda. Materials are posted on the <http://ohv.nv.gov/commission> website.