



**STATE OF NEVADA
Off-Highway Vehicles Program**

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DRAFT MEETING MINUTES, JUNE 8, 2017
COMMISSION ON OFF-HIGHWAY VEHICLES

Date and Time: Thursday, June 8, 2017, 9:00 a.m. – 2:00 p.m.

Location: This meeting was held in Carson City, Bryan Building, 901 S. Stewart Street, Second Floor, Tahoe Hearing Room.

There was also a telephonic connection available for those wishing to participate in the meeting who could not be at one of the physical meeting locations: Phone connection and call-in had technical problems.

1) CALL TO ORDER 9:33 AM

Technical problems with telephone conference call: two meetings using same conference number - new number is 1-888-808-6929 Code 5109589. This number announced periodically on the other line.

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 Michael Gerow - present
Quorum is present.

3) PUBLIC COMMENT - *No Public Comment.*

4) REVIEW AND APPROVAL OF AGENDA - *FOR POSSIBLE ACTION*

The DMV item will be moved up to after #6. Commissioner Lee Moved to approve, Commissioner Gerow seconded. Motion Carried.

5) REVIEW AND APPROVAL OF March 16, 2017 MINUTES - *FOR POSSIBLE ACTION* - Greg McKay, Chairman There was one grammatical error. Motion to approve by Commissioner Cox, seconded by Commissioner Gerow. Motion Carried.

6) UPDATE ON LEGISLATION - AB29 – Next steps with NAC amendments, public workshop and hearings. Dominique Etchegoyhen - DCNR Deputy Director: AB29 passed and was signed by Governor. Chairman McKay: bulk of changes is that money would not be used to close areas to OHV use. Also included lowering the late fee to \$10 and removed specific percentages by category, moved the Program into the Department on Conservation and Natural Resources, budget passed, nonvoting advisors

replaced with ex-officio members and reducing commission from 11 to 9. Another amendment was passed under AB29 by the Senate that charged the Commission with the following:

- i) Evaluate whether the statutory presumption set forth in NRS 490.090 to NRS 490.130, inclusive, that the operation of an off-highway vehicle on a paved highway is prohibited unless authorized by a governmental entity should be amended.
- ii) Conduct a survey of local governmental entities and other interested parties to solicit input for the evaluation required pursuant to subsection 1.
- iii) Develop recommendations for legislation to make any such amendments as may be proposed based on the evaluation made pursuant to subsection 1.
- iv) On or before January 1, 2019, submit the recommendations developed pursuant to subsection 3 to the Director of the Legislative Counsel Bureau for transmission to the 80th Session of the Nevada Legislature.

Background from Commissioner Baker that this amendment arose from the same party wishing to amend the bill to include that any closed roads would have to be signed closed or would be assumed open. Discussion ensued to explore how to pay for completing this amendment. Commissioner Gerow would like to have law enforcement and DMV input as well.

Deputy Director Etchegoyhan stated that the work of completing the charge would take some research by Staff who will contact LCB and work with our Deputy Attorney General to determine exact direction of this amendment and bring back to Commission. However, there are more pressing priorities right now such as NAC's and getting grant round out. Staff will bring information back to the Commission at a later meeting. Jenny Scanland, executive secretary; we will be revising NAC's based on changes in scoring criteria in AB29, page 10, line 12. Staff will analyze and write draft NAC's working with LCB and DAG with the next steps. The goal is to have NAC draft ready for review, public hearings, publishing etc. and vote at the next meeting in September with as much of the grant paperwork ready for review as well. Plan is to have December meeting be the awarding of grants. This will be very intense work for staff. Therefore, this is the priority for the next three months.

Deputy Director Etchegoyhen brought special attention and thanks to Commissioner McKay for his testimony during the legislative session.

7) UPDATE ON FINANCIAL STATUS - Kelly Williams, DCNR ASO (See posted report)

AB29 and budget change the program to operating on the State Fiscal year. With projected revenue from DMV, the grant amount to be awarded could be up to \$1.2 million. Exact amount available will be presented to the Commission prior to the Request for proposals being released. The program is now in DCNR, the financial actions occur at the Department level. Changes in budget can occur by the department and the Commission is not required to vote on the change. Commissioner Cox stated he did not feel comfortable with the department making changes in the budget without commission vote. Deputy Director Etchegoyhen's response: AB29 placed the Commission within DCNR. It also created the OHV program within the department. There is a distinction between the program and the Commission. The OHV program budget is administered by the Director of DCNR. Budget changes are not required to be voted on by the Commission. Chairman McKay stated that in his experience there is a high level of communication and changes are not made in a vacuum and are very transparent.

8) UPDATE ON GRANT PROGRAM - Jenny Scanland, Executive Secretary, DCNR (See posted report, moved below...#15.

9) PRESENTATION BY TREADLIGHTLY! On Grant priorities and accomplishments to date; opportunity to shift priorities of grant if needed. Jenny Scanland, Executive Secretary; Brian Bekowski, TREADLIGHTLY! *FOR POSSIBLE ACTION* moved to #16 see below

10) DEPARTMENT OF MOTOR VEHICLES discussing potential ways to make registration and VIN inspection easier. Marty Elzy, Management Analyst, Anne Liao, and Sean McDonald Administrator DMV, and Jenny Scanland, OHV Executive secretary.

- a) *Information: Exemption Plate Form, exemption plate exists for dealers. DMV: Dealers Association brought forth NRS change last session for plate. The NRS did not provide authority for other exempt agencies such as law enforcement, agencies and ranchers. Development of the form and exempt sticker/plate would take NRS statute change. Statute does allow the exemption. Exempt agencies can apply for titles to show that it is agency owned but do not require registration.*
- b) *Affidavit of non-use; is there potential to address this through Nevada Administrative Code (NAC)? No, Statute change would be required giving that authority. Commissioner Gerow stated that he gets a lot of comments on this from the public. Reminder from Anne Liao: there is nothing in Statute that says you have to register "and" title your vehicle. You do not have to register until you are using that OHV on public lands; if your intent is not to use trails, you don't need to register. Titling is different process, it can be cumbersome but our staff is there to help. Commissioner Lee asked if the money from OHV titling goes to DMV or through the OHV program acct. DMV; it goes through the OHV program account. Commissioner Gerow asked if there was a way to be able to put titled OHV's in a database and we could then send mailer to them about the sticker program. The Commission would like to research the "plate" verses "license" in other states.*
- c) *Non-resident sticker; is there potential to address this through NAC? DMV: No that would take a NRS statute change.*
- d) *OHV Street legal discussion, title and license vs registration. This is also NRS change. OHV vehicles are not "motor vehicles" as defined in NRS. Anne Liao reminded the Commission that OHV's that become street legal would then be "motor vehicles" and would not have to register under the OHV program. The Commission would like to research the "plate" verses "license" in other states. Anne Liao stated that this may be a conversation to have with the landowners such as National Park Service who require "license plates".*
- e) *Commissioner Baker, in regards to making registration easier, stated that the NRS 490 070 5 sub 3c submission by mail or electronic transmission to the department of an application for the title or registration of the OHV. What can we do to fund something that will allow DMV to take online VIN verification and registering such as an APP that allows VIN verification? The Commission would like to research options. Anne Liao stated that within the priority list of the DMV, OHV is probably not high. Especially now with all the legislative changes and implementation occurring. The department is willing to talk about all options, but it will not happen in a fast timeframe. Marty Elzy: We have an established list into IT for priority, it would have to be added and be reprioritized. This should have been on the list 6 years ago, we can have the conversation. System is being rebuilt currently and should be put on the modernization system or on the standing list. It's up to Commission as to where/when to spend the money. Commissioner Baker, we have only 10% registered, with marketing, this will increase by 90%. The budget will be huge, if we can help you by funding and make it a higher priority. Is that possible. Ann Liao stated that there are other avenues out there. Perhaps the commission should look at the program as a PERMIT, rather than a "registration" and not need VIN inspection at all. The Director McDonald: stepped forward saying that there is a backlog and that if the Commission wanted to pay for a contract to have it done, it would have to be taken to IT for review and decision as to whether they can take that on. Anne Liao stated that the VIN inspection may be able to be removed as requirement under NAC! Commissioner Lee and Cox stated that this is something to look into. NRS change is required to have VIN inspections at the physical DMV locations. Commissioners McKay stated that clarification's need to be made by NRS and NAC on these issues. Leo Drumm, BLM, clarification: the designation of the National Monument alone does not disallow the use of un-licensed OHV's. Perhaps the paved section as a local issue.*

11) PRESS RELEASES, PUBLIC OUTREACH, CONTRACTS AND AGREEMENTS MANAGEMENT; staff and commission roles and responsibilities. Kelly Williams, DCNR ASO; Dominique Etchegoyhen, DCNR Deputy Director. Jennifer Scanland, Ex. Sec.: all press releases,

contracts and agreements must come through the DCNR office. The authority lies with the Department now, not with the Commission. Social media direction is being created. Etchegoyhen stated that this is not only OHV, this is with all agencies and commissions department wide. This is a change for the Commission coming new into DCNR. Chairman McKay, asked that when AB20 passes and is signed if there will be press release. Etchegoyhen agreed. Commissioner Hill stated that public outreach and media should be run through staff first. Scanland: the Commission may talk to the media if you would like. Please contact us to let us know. Etchegoyhen; there is a distinction between representing yourself and representing the commission. Please contact the office when representing the commission. Commissioner Lee asked if grantee's needed to contact the staff on their press releases. Scanland; no. Etchegoyhen clarified; please let us know as we can help get the press release out to our lists.

12) OHV MARKETING PROJECT – vote to continue interlocal with Clark County Desert Conservation Program marketing project. *FOR POSSIBLE ACTION* - Sue Baker, Vice Chair

i) Moved to 17 below.

13) MARKETING REGISTRATION OUTSIDE CLARK COUNTY – Brainstorm for potential marketing program items Statewide (outside of Clark County) to be conducted by staff and or funded by state contract after July 1, 2017 – Jenny Scanland, executive secretary. Moved to 19 below.

14) CLEARINGHOUSE ITEMS – Informational: Nationwide review of National Monuments.

Direction from Governor's Office: The Commission should only provide comment concerning clearinghouse and other issues if there is a current grant project that could be affected. *Dominique Etchegoyhen, DCNR Deputy Director; this direction came from the Governor's office that these types of issues are outside the statutory authority of the grant program. If it doesn't directly affect a particular grant project we do not "as a commission" comment.*

15) UPDATE ON GRANT PROGRAM - Jenny Scanland, Executive Secretary, DCNR (See posted report). Projects are moving well. ORBA economic study was found to be inconclusive with no valid conclusions. McKay; long term we should join with larger efforts by the state. Commissioner Baker; they did not ask the right questions; be mindful of this with ORBA in the future, a lesson we need to remember.

Scanland stated that she is very happy with the quality of reporting from the law enforcement grantees. They are showing great interest in events not just patrol. Commissioner Lee agreed. Reimbursed to date over \$377,000. Balance encumbered is \$348,943 is still to be paid out from our budget. Commissioner Lee asked if money saved goes back into the grants account. Scanland: Yes, it does. Commissioner Hill asked why NDOW didn't spend out their grant. Scanland clarified that there was confusion with the state fiscal year and the end of the grant. Running on fiscal year from now on will help fix that. Hill: what is the typical project timeframe? Scanland; depends on the project. Typically two years with quarterly reporting.

16) PRESENTATION BY TREADLIGHTLY! On Grant priorities and accomplishments to date; opportunity to shift priorities of grant if needed. Jenny Scanland, Executive Secretary; Brian Bekowski, TREADLIGHTLY! *NO ACTION TAKEN*

Presentation was made on accomplishments and future plans. Tread lightly report is posted with other meeting documents. Bekowski stated that in presenting information on registration, people are not all happy about it, but that they are happy to know that something is now being done with the program. Several projects completed and in progress; Pony Express by Austin, Winnemucca events, and large race events and potential events listed on the report. He will get involved this winter on snowmobile events. He would like to see outreach booths to coordinate with law enforcement (Commissioner Lee agreed). He is working with radio stations across Nevada and linking the Tread lightly website and social media with OHV website. He wants to add the USFS and other stakeholders. RIDE ON NEVADA

website is up and running. Contacts are occurring with large sponsors such as land rover who is supplying vehicle for travel and events. Other sponsors are supplying machines for booths to draw families over, allow kids to climb on them etc.

One stakeholder meeting was held in N. Nevada. He is in the planning for the July meeting now and holding them Overland magazine contacted for getting tied in with their social media as well. The need for maps that can be printed out, routes that can be recommended such as the "backcountry discovery route" are being asked for by the public. Maps are the key to getting folks to return to the website. Commissioner Cox asked when next meeting is going to be. Bekowski stated he would let us know. Train the trainer/master trainer course planning is in progress. Completed training for GBI AmeriCorps and with the Nevada Outdoor School; and he hopes to train many more than the 10 that is in the deliverable. The training is on "ethics" on the trail, interacting and respecting access and others. Commissioner Baker would like to see something like training certificate for youth. Brian agreed. He would like to link online tread lightly courses to registration online, and create some type of benefit. It was agreed that there should be a youth certification of some kind worked out with local communities to generate interest with Nevada youth.

Commissioner Baker expressed that she was happy with the direction of Tread lightly and there was no need for Action. Chairman McKay agreed.

- 17) OHV MARKETING PROJECT from #12 – vote to continue interlocal with Clark County Desert Conservation Program marketing project. *FOR POSSIBLE ACTION* - Sue Baker, Vice Chair**
Discussion ensued. Motion by Commissioner Baker that "the Commission continues the relationship with Clark County on the registration marketing program". Seconded by Commissioner Cox. Motion carried.

- 18) MARKETING REGISTRATION OUTSIDE CLARK COUNTY from #13 – Brainstorm for potential marketing program items Statewide (outside of Clark County) to be conducted by staff and or funded by state contract after July 1, 2017 – Jenny Scanland, executive secretary.**

List of Ideas for Marketing outside Clark County:

- *Need more brochures printed for law enforcement.*
- *Law Enforcement grants open year round. Clarification from staff: Can only be done through regular grant program and proactive outreach coordination.*
- *Trail Mapping – Upgrades that allow users to download trail maps and GPS routes.*
- *Trail Signage – Place Trailhead signage along OHV routes with OHV Commission logo and website.*
- *Registration Events – Teaming up with local County and Municipal Police Departments to host OHV Registration events. Consultant is willing to help process paperwork.*
- *Mobile APP – Develop a mobile app for smartphones.*
- *Statewide Advertising Campaign per County – Fund advertisements and publicity at a local level.*
- *Video(s) – Continue to create videos of registered users statewide. Travel funds needed for video crew. Engaging content for social media.*
- *Contest – Support a contest for the next users to be selected for the Off-Road Smart campaign. Winner appears in a social media advertisement or video.*
- *Film Festival – Registered users can submit videos about how they off-road smart. Winners can be selected per vehicle type.*
- *VIN registration APP to submit picture of VIN to be verified and have it go to the dealerships and/or law enforcement for final certification. Backed by research on how the dealers/law can be relatively ensured the VIN is accurate, since they are signing indicating they concur with the number.*
- *Updated brochures to align with last legislative session, and reprinting/distributing to various agencies/groups.*

19) VOTE ON 2017-18 GRANT PROGRAM PRIORITIES FOR SCORING. *Jenny Scanland, Executive Secretary.* ***FOR POSSIBLE ACTION***

Priorities were reviewed by the Commission and some changes were made. Those changes are reflected in the table below. These prioritized criteria will be used to create the NAC's and the grant scoring sheets. Each Commissioner votes on their 6 highest priorities. The results were as followed. Motion to accept priority vote as reflected on paper and record was made by; Commissioner Lee, seconded by Commissioner Gerow. Motion Carried.

<i>OHV PROGRAM PRIORITY STATEMENTS</i>	<i>Vote</i>
<i>Governors priorities (G).</i>	
<i>Public Education, Law Enforcement & Outreach: Projects that incorporate public education and/or outreach to increase registration and showcase the benefit of OHV communities, including registration events.</i>	8
<i>Trail Mapping: Projects that move public lands in Nevada towards having travel plans completed and will result in trail mapping and creation of maps for the public completed. (With landowner/manager approval).</i>	8
<i>(G) Ensures protection of access: Health and safety concerns or other mitigation necessary, which if NOT addressed, is likely to cause an opportunity or access to be lost.</i>	6
<i>(G) New Facility Development: Build restrooms, trails, signs, and other amenities in areas that need them.</i>	5
<i>(G) Increase Connectivity between trails, facilities and other locations: i.e. towns.</i>	4
<i>Environmental Studies: projects that need environmental studies in highly desired areas to maintain or expand OHV riding areas. 4+1</i>	5
<i>(G) Design for Conservation; Build new facilities and restore older ones with water and habitat conservation in mind. Degree to which the trail features are designed to protect environmentally sensitive areas or important wildlife habitat area (legislatively directed).</i>	5
<i>(G) Maintain and Rehabilitate Existing Facilities</i>	3
<i>Leveraged Projects: projects that leverage private, BLM, USFS, Nevada State Parks, local government, and in-kind funding; investment in the project as demonstrated by the applicant. Not required.</i>	1
<i>Partnering: Project planning, permitting and design. Degree of coordination with OHV staff and respective partners and included a public process in which all interests have had an opportunity to be heard.</i>	1
<i>Projects that cover multiple categories (legislatively directed)</i>	1
<i>(G) Youth and Family Engagement</i>	0
<i>(G) Economic Integration; Develop outdoor recreation opportunities that help local and/or regional economies grow.</i>	0
<i>(G) Meet the needs of underserved regions and populations: Identify people and neighborhoods without access to trails, and establish outdoor recreation opportunities for them. Degree to which the project creates new recreational opportunities not currently available in the area.</i>	0
<i>Approvals and Permits: projects that (at time of application and award) have all the necessary approvals and permits are considered shovel ready. Address in application. (this is not applicable as permitting and environmental are project categories) Approval by landowner will be required.</i>	0
<i>Degree to which applicant has committed to the ongoing maintenance of the facility or continuation of the service. This will be required.</i>	0

Commissioner Cox had concerns that if BLM Travel Management Plans in themselves were funded by OHV, and the decision closes areas, that it would reflect badly on the Commission. BLM Leo Drumm stated that the BLM does have planning needs that could fit into these priorities. Scanland recommended that funding implementation of the travel plans should include but not be limited to surveys, studies, mapping needed to implement the plans trail maintenance, building projects etc.

20) CALL FOR AGENDA ITEMS FOR NEXT MEETING (moved from #16) September 14, 2017.

Commissioners may at this time recommend agenda items for the next meeting to the Chairman. 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 - *Greg McKay, Chairman*

- *Converting from registration to a sticker without VIN verification process like CA.*
- *Report back on newly required survey (AB29) after staff works with LCB and DAG. Not creation of the bill draft but update on staff findings.*
- *NAC's status (potential action)*
- *Grant (RFP) Request For Proposal status (potential action)*
- *Marketing tasks for outside Clark County as recommended by staff and team.*

21) PUBLIC COMMENT - No Public Comment.

ADJOURNMENT - *FOR POSSIBLE ACTION* Move to adjourn by Commissioner Lee seconded by Commissioner Cox. Motion Carried.

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.

THIS NOTICE WAS POSTED ON OR BEFORE 9:00 AM ON THE THIRD WORKING DAY BEFORE THE MEETING AT THE FOLLOWING LOCATIONS:

Department of Conservation and Natural Resources, 901 S. Stewart Street, Carson City, Nevada

Nevada Department of Agriculture, 405 South 21st Street, Sparks Nevada

Department of Wildlife, 1100 Valley Road, Reno, Nevada

Capitol Building, 101 North Carson Street, Carson City, Nevada

Legislative Building, 401 South Carson Street, Carson City, Nevada

Library and Archives, 100 N. Stewart Street, Carson City, Nevada

Nevada Department of Motor Vehicles, 555 Wright Way, Carson City, NV 89711

Notice of this meeting was also posted on the 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. If special accommodations or assistance at the meeting are requested, 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. You can also email Jenny Scanland at jscanland@ohv.nv.gov

Please contact Jenny Scanland at 901 South Stewart Street, Suite 1003, Carson City, Nevada 89701; or email jscanland@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.