Bradley Crowell, *Director* James R. Lawrence, *Deputy Director* Dominique Etchegoyhen, *Deputy Director*

STEVE SISOLAK

*Governor*

**State of Nevada**

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Nevada Commission on Off-Highway Vehicles Maurice White, *Chair*

Kevin Malone, *Vice Chair*

**Minutes -- MEETING OF THE COMMISSION ON OFF-HIGHWAY VEHICLES**

**Date and Time: Monday June 13, 2022 at 10:00 AM**

**Meeting Location(s):**

**Primary:** Nevada Department of Conservation & Natural Resources, 901 S Stewart St. Carson City, 89701 *Tahoe Conference Room*

**Web Host:** https://call.lifesizecloud.com/6678206

**Phone (audio only):**

- United States: +1 (877) 422-8614

- Meeting extension: 6678206

**1. CALL TO ORDER -** At 10:04AMChair Maurice White calls the meeting to order

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

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| --- | --- |
| **Commissioner**  | **Appointed Representation** |
| Vacant  | Off Highway Motorcycle Racing |
| Maurice White- Present | Nevada Association of Counties |
| Kevin Malone- Present | Law Enforcement |
| Ken Ravago- Present | ATV Riders |
| Robert Adams- Present | Conservation Interests |
| John Glenn- Present | OHV Dealers |
| Scott Spero- Present | Snowmobile Riders |
| Brian Parks- Present | Ranching Interests |
| James Eason- Present | 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.

*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.*

Karen Boeger, representing Nevada chapter backcountry hunters and anglers, apologizes for an incorrect document sent in as part of her organization’s public comment. Secondly, after looking at the meeting minutes from April, she noted an NDOW comment about agreeing on a language that eventually was used in the OHV Commission and the grant process. NDOW is reminding of the intent that the sticker would be clearly visible in size for ease of use in law enforcement and recording of infractions of OHV rules. Jenny states they are in support of section Three One for a highly visible decal. Karen runs out of time.

Chair White confirms that the Commission has received her updates and emails which will be included in the public comment record.

Matthew Weintraub, the Deputy Administrator for the Nevada Division of Outdoor Recreation, uses this time to introduce himself. Matthew’s goal is to increase all forms of outdoor recreation and equitable access to those areas.

**4. REVIEW AND APPROVAL OF AGENDA \*FOR POSSIBLE ACTION\***

 Chair White calls to approve the agenda. Commissioner Parks moves to approve the agenda. Motion passes.

**5. REVIEW AND APPROVAL OF April 5, 2022, MINUTES \*FOR POSSIBLE ACTION\* https://ohv.nv.gov/assets/etc/meetings/Minutes\_APR5\_OHV\_Comm.docx**

 Commissioner Spero motions to approve the agenda, Commissioner Ravago seconds, motion passes.

**6. REVIEW AND APPROVAL OF June 6, 2022, Public Hearing MINUTES \*FOR POSSIBLE ACTION\*** [**https://ohv.nv.gov/meeting**](https://ohv.nv.gov/meeting)

Commissioner Adams states that there is a typo on page four referring to the Nevada Off-Road Association incorrectly called the Northern Nevada Off-Road Association.

Commissioner Parks motions to approve the agenda and accept the correction, Commissioner Malone seconds, Motion passes.

**7. COMMISSIONER ROUNDTABLE \*FOR DISCUSSION\*** -- An opportunity for commissioners to introduce any OHV topics that they encounter between meetings. (15 Minutes)

 Commissioner Ravago welcomes the new members of the Commission. Regarding southern ATV riders, Comm. Ravago states that the Vegas Valley Four Wheelers hosted a cleanup with the Dunes and Trails Club assisting at Logandale Trails. Debbie Vergos from the Clark County OHV Advisory Committee reached out to Comm. Ravago to speak on the goings on within the Commission. Unfortunately, that meeting was postponed but Comm. Ravago intends to go to the rescheduled meeting.

 Commissioner Glenn announces that the Elko Motocross Club is currently working on putting in their water system.

**8. NEVADA OFFROAD ASSOCIATION UPDATE \*FOR DISCUSSION \*** – Mathew Giltner, Executive Director NVORA, will provide an update about OHV clubs, government relations, and equipment purchases in Nevada. (15 Minutes)

 Mathew Giltner has Laura Butcher from Tread Lightly! discuss the projects Tread Lightly! and NVORA are currently working on. Laura states that there are at least four projects between both Tread Lightly! and NVORA throughout Nevada including Wilson Canyon and Pine Grove. Tread Lightly! has also worked with the High Desert Trail Blazers to get signage and kiosks set up in Ely. Laura offers that the Commission can contact her if they need anything or have questions.

 Chair White asks if Laura has a proposed start date on the Wilson Canyon project. Mathew Giltner informs the Commission that the project has already begun. Kim Murcia now speaks on government involvement with NVORA and their projects.

 Kim begins with Wilson Canyon and how there is a great deal of overlapping jurisdiction, a lot of work is being done clearing up maps, and NVORA is working with other statewide organizations to create a signage standard that can be used across the state. NVORA is also working towards a Memorandum of Understanding with the BLM, Forest Service, and Tread Lightly! to allow flexibility to modify individual programs.

 Mathew Giltner states that BLM signed an EIS which affects motorized recreation in areas where the Greater Sage Grouse resides. Mathew was in Twin Falls Idaho at Magic Mountain working with the Department of Recreation to offer sidebyside education. Comm. Glenn had asked NVORA to follow up with the Sierras Journeys Group, an education group in Washoe and West California area to do more stem work with them and partner them up with Nevada Outdoor School. Through Comm. Glenn, NVORA was able to set up the Elko County OHV Club. Mathew hopes to introduce the Elko County OHV Club to the Magic Valley OHV Club to show off how a more established OHV organization functions.

 The Dunes and Trails Club has successfully gotten someone back to the Spring Mountain National Recreation Area and are working on finishing their grant project. The Desert Pigs grant is just about finished, in Tonopah the Nevada Outdoor School taught through the school about OHV safety, and Hawthorne plans on hosting a similar class and has made a declaration of becoming a more OHV friendly community. NVORA is also working towards identifying a route from Pahrump to Virginia City. NVORA is unaware if the Reno Area Dirt Riders will be able to complete their grant projects. Finally, NVORA has traveled 17,000 miles in Nevada on behalf of the OHV program.

 Kim adds to the topic of RAD’s grants the possibility of making NVORA an emergency administrator to help manage grants that have lost their original managers. At the very least, Mathew hopes to install a means for organizations and clubs to be able to notify the Commission that they cannot and/or will not complete their project. Nikhil mentions that the program must allow allocated funds to remain open to the organization in case they are able to return to the project or until the project’s lifespan runs out and remaining funds can be returned to the Program.

 Chair White asks about the legality of putting NVORA in such a position and is concerned that there may be a conflict of interest. Comm. Glenn believes that it's a good idea to allow NVORA to step in when a project suffers a loss of leadership and assist by continuing to report. Chair White believes that this should be brought up to Anthony.

**9. OHV PROGRAM UPDATES \*FOR DISCUSSION\* --** Nikhil Narkhede will provide an update on program activities, opportunities, and challenges.

 Nikhil begins with the next round of grants having opened on May 13th and will be due by july 15th. Quarterly reports are also due on July 15th. Requests for grant applications and a grant application guideline has been made available online. The OHV grant application process has been simplified as much as it can be and a checklist for applicant use to help applicants complete their application is being made. Recently, the NVOHV website has experienced an error and has made looking at past grants impossible. This issue will be rectified soon.

 There has been a discussion about adopting new administrative codes and changing the Nevada revised statutes towards a simplified way of obtaining OHV registrations. The OHV program has met with the Fiscal Department of the Department of Motor Vehicles to determine the specifics of these changes. The Program has also met with the Department of Wildlife to see how their permitting functions and how we might take on a similar process.

 Nikhil wants to plan several site visits with the Commissioners out to Elko and Winnemucca so that they can see what is being done out there first hand. Recently, the Program has been asked to operate as a cooperating agency for the Copper Ray Solar Project. On August 1st, the program will have its first six month legislative report due which will require Chair White’s signature. Nikhil opens the floor for anyone with questions.

 Rayette Martin states that she suggested the creation of the handbook in a previous meeting. Rayette wants to clarify that the idea was brought up during a discussion on regulation changes and the need for useful tips about navigating the legal aspects of the grant process. Kim Murcia states that NVORA is eager to go through the handbook and provide comments and possible corrections. Chair White suggests that someone familiar with the application process look at that guidebook and check to see if it covers everything necessary. Matthew Winetroub suggests that members of the Commission, experienced applicants, and land managers could be a part of a review committee for the guidebook. Rayette adds that other DCNR partners should be added to this committee.

**10. POLICY CHANGES AND SUGGESTIONS \*FOR DISCUSSION\* --** The Commission will continue discussion of changes to Nevada Revised Statute 490.

OHV Decal Text from 2021 Legislative session:

https://www.leg.state.nv.us/App/NELIS/REL/81st2021/Bill/7579/Text

Nikhil begins with a large document regarding the senate bill 170 that didn’t pass. There were three ideas put into that bill being a simplified ohv registration process, helmet requirements for anyone under the age of sixteen, and finally requiring out of state riders to have a Nevada registration sticker. So far, the bill draft request that has been submitted has yet to be accepted by any state agency. Section three states that DCNR will carry all OHV registrations and make them easier to obtain through a third party vendor. Nikhil states that section four regarding youths under the age of sixteen to ride with a helmet will be removed as it is a matter of parental concern and should be dealt with by a parent. Section nineteen removes the mention of large ATV stickers as the program wants to move towards a single registration sticker to further simplify registration.

Chair White asks that Section Two states that chapter 490 of NRS is amended by adding the provisions of sections Three and Four. Chair White has noticed that it is not mentioned where Section Three will be within NRS. Nikhil asks if Chair White has a preference for where Section Three should go. Chair White states that Section Three is too similar to Section Fourteen. Nikhil clarifies that Section Fourteen is striking requirements from the department of motor vehicles whereas Section Three authorizes the OHV decal to be vended through the OHV program at the DCNR.

Chair White asks if Section Twenty Seven point Two point B needs to have a new date. Nikhil states that it will take effect sometime in January 2024 assuming the bill passes and the program can find a vendor. Comm. Glenn asks where the program is with regards to removing sales tax provision and finding a vendor. Nikhil states that though NDOW was not able to make it to this meeting, they will be included in a future meeting. As for collecting sales tax, Nikhil states that we want to have sales tax collected during the titling process rather than take on that additional responsibility.

Delora, the lead staff of the Off-Highway Vehicles Department of Motor Vehicles states that they do not collect sales tax either and that responsibility is on the Tax Department. If the program takes over registration then the DMV would no longer retain those employees for that task and move them to other departments within the DMV. The DMV would only require one employee to do titling and tax work if the program takes over. Because Nevada is not a mandatory titling state, a vehicle could be purchased and titled in another state and then registered in Nevada. Comm. Malone asks that if this is usually not allowed in other states, what kind of systems are in place to catch that activity within the DMV. The DMV would be able to check the EMPA report for transactions outside of the state. Comm. Malone asks how a state keeps track of registration stickers. Delora is unsure.

The Commission discusses the concern that by not requiring a title in the state of Nevada but allowing OHVs to be registered may cause issues when it comes to law enforcement and tracking activity. Dolore states that an OHV must be titled in order for the individual to hold ownership. Nikhil states that in order to sell an OHV it will require a title but in order to drive it on public lands it will only require a registration sticker. This registration is what should be policed for on public lands. It is discussed that the titling issue needs to be tackled by most likely businesses and dealers.

Chair White asks where it says that OHVs are exempt from being titled altogether. Comm. Parks asks if titles are necessary, what are the consequences of not having one. It is suggested that this question be brought up with Anthony for legal review. Chair White asks Comm Malone if the sheriff's department has a way to check an OHV’s VIN to see if it's titled. Comm. Malone states that an officer would require probable cause to run a check on a VIN which additionally would increase the officer’s workload. Chair Whiten states that it seems that registration and titling are disconnected within their regulations and need to be unified. Additionally, Chair White suggests that the titling and registration of OHVs should mirror car regulations.

Chair White asks Nathan Holland if he can provide the Commission with guidance. Unfortunately, Nathan would require more time to research an appropriate solution to the current discussion. Comm. Glenn restates his suggestion to move to an out of state sticker. Comm. Parks is concerned that OHV users will simply get an out of state sticker and bypass the system. Comm. Spero states that from experience, every state has very different registration requirements. Comm. Malone suggests the commission mirror NDOW’s approach to registering boats and use a similar strategy for OHVs. Chair White asks Comm. Malone about the project to have officers have a wifi hotspot and if there has been any progress towards that goal. Comm. Malone states that it has yet to come to fruition and that there is frequently an issue with a lack of wifi in certain areas of the state. Chair White asks the DMV if they’d be able to create a document to help the Commission achieve a goal that meets everyone’s expectations.

**11. NEW GRANT DISCUSSIONS \*FOR DISCUSSION\* --** The OHV Commission will host a question and answer period for prospective grant applicants to present their ideas for OHV Grants and receive commissioner feedback prior to the July 15, 2022 due date.

Nikhil starts by stating that there are several individuals working on their grant applications and federal agencies that want an opportunity to speak with the Commission to ask questions about what changes they should make, who they should speak to and incorporate into their grant, etc. Rayette speaks on how she applied for a grant during the last cycle and received feedback about reapplying with some modifications. She has since altered her application to make it more applicable to the Commission. Rayette asks the Commission for advice on starting an Ambassador Program for Cultural Resources.

Chair White asks how the ambassador program would enhance OHV user’s experience and promote OHV use. Rayette states that as a part of the educating program she would be explaining what is out there to experience and how to identify cultural materials. Chair White asks if the application would include a narrative for particular sites, why they should be visited, and why they should be protected. Rayette says she will include those within her application and asks if anyone else has any suggestions, questions, comments, etc. Comm. Malone asks what other clubs or organizations she’ll be requesting funding from and shows some concern that this project is not entirely dedicated to OHV sites. Rayette explains that the sites she’ll focus on are those that must be reached by OHV and that she will be contacting Dunes and Trails and the Kokopeli club to network with additional OHV clubs to strengthen her project.

Comm. Adams states that he received an email from the Pahrump BLM office field manager that during the next agenda meeting they will be talking about improving access to the Big Dune area. They intend to get the roads remade with stronger material. Mathew Weintraub asks about the reclassification of a mountain bike trail to an electric mountain bike trail which by the Forest Service’s definition makes the trail a motorized trail. Mathew wants to know if there is interest from the OHV community to work alongside the EMBT industry. Chair White states that the Parks and Rec Department is already working on reconciling the idea of use of E-bikes on non motorized trails. The Commission agrees that E-bikes have potential however, they don’t necessarily fall into the purview of OHV Commission.

Marissa Williams, from the Eagle Lake field office, asks if the Commission would prefer a grant application directly from the BLM or through a partnership with another organization. Chair White states that there is no preference in general. Chair White suggests that Marissa get the application done early so that it can be looked over and sent back to be corrected and then resubmitted.

**12. 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.

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Nathan Holland, the deputy attorney general, takes this time to introduce himself.

**13. ADJOURNMENT \*FOR POSSIBLE ACTION\*--** The Commission 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/

Department of Conservation and Natural Resources, 901 S. Stewart St., Carson City, Nevada Nevada State Legislature, 401 S. Carson St., Carson City, Nevada

Grant Sawyer Building, 555 E. Washington Ave, Las Vegas, Nevada

Nevada State Library and Archives, 100 N. Stewart St, Carson City, Nevada

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

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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.